

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17379 of 2017

1. Kapildeo Choudhry S/o Late Premi Choudhary
2. Ganesh Choudhary S/o Late Lalmuni Choudhary
3. Uday Choudhary S/o Late Lalmuni Choudhary
4. Dilip Choudhary S/o Dwarika Choudhary
5. Vijay Choudhary S/o Dwarika Choudhary
6. Nepali Choudhary S/o Yadunandan Choudhary
All Resident of Village-Murgiya Chak, P.S.-Jamui, District-Jamui.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Registration, Excise and Prohibition Govt. of Bihar.
2. The Excise Commissioner, Bihar, Patna.
3. The District Collector-Cum-District Magistrate, Jamui.
4. The State of Bihar through the Director General of Police, Bihar.
5. The Superintending of Police, Jamui.
6. The Station House Officer, Jamui Police Station, Jamui.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Pankaj Kumar Sinha, Advocate
For the Respondent/s : Mr. Anil Kumar Sinha, GA - 1

CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY

ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

2 15-12-2017 Having heard learned counsel for the parties, we find that the house and land of the petitioners situated at Village- Murgia Chak, Anchal- Jamui, P.S. Jamui, District- Jamui has been sealed in connection with Confiscation Case No.6 of 2016 for violation of Bihar Prohibition and Excise (Amendment) Act, 2016.

It is common ground that in various cases, identical in nature, pending finalization of the confiscation proceedings



vehicles have been directed to be released by this Court on various conditions and we see no reason to make a deviation in the present case.

In view of the above, we direct the District Magistrate-cum-Collector, Jamui to ensure that the house in question mentioned hereinabove, is unsealed and possession handed over to the petitioners forthwith, in connection with the aforementioned case, on their furnishing two sureties to the satisfaction of District Magistrate-cum-Collector, Jamui subject to the condition that the petitioners shall not alienate or create third party interest with the land and house in question in any manner so as to prejudice the right of the State in confiscation proceeding.

With the aforesaid, the writ petition is allowed and disposed of.

(Rajendra Menon, CJ)

(Anil Kumar Upadhyay, J)

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