

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.16217 of 2017

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1. Nirmala Devi wife of Bishundeo Prasad Yadav resident of village Hasanganj, P.S. Kasim Bazar, District Munger at present village Kanchangarh, P.S.Muffasil, District Munger.

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Registration, Excise and Prohibition, Government of Bihar, Patna.
2. The Excise Commission, Bihar, Patna.
3. The District Collector-cum-District Magistrate, Munger.
4. The State of Bihar through the Director General of Police, Bihar, Patna.
5. The Superintendent of Police, Munger.
6. The Police Station House Officer, Muffasil Police Station Munger.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Pankaj Kumar Sinha

For the Respondent/s : Mr. VIKASH KUMAR - SC-11

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date: 22-11-2017

Having heard learned counsel for the parties, we find that the house and shop of the petitioner in Plot No. 49, Khesra No. 185, 186, 213, 225, 331, 332, 325, 338 has been sealed by the police officials in connection with Muffasil P.S. Case No. 37 of 2017 registered for the offences under Sections 376/11A, 3, 4, 5, 7 of the I.T.P. Act and Sections 25(1-B)a, 26(i)/35 of the Arms Act and Sections 30(a), 37 (a) (b)(c)(d) of the Bihar Prohibition and Excise Act, 2016.

It is common ground that in various cases, identical in



nature, pending finalization of the confiscation proceedings properties 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, District Magistrate-cum-Collector, Munger, is directed to ensure that the house in question mentioned hereinabove, is unsealed and possession handed over to the petitioner forthwith, in connection with the aforementioned case, on his furnishing two surety bonds to the satisfaction of District Magistrate-cum-Collector, Munger subject to the condition that the petitioner shall not alienate or deal with the house in question in any manner so as to prejudice the right of the State in confiscation proceeding.

With the aforesaid, this application is disposed of.

(Rajendra Menon, CJ)

(Anil Kumar Upadhyay, J)

KKSINHA/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	27.11.2017
Transmission Date	NA

