

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.17671 of 2017**

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Harendra Chaudhari, Son of Late Sanjay Chaudhari, Resident of Village-  
Hussainganj, P.S.- Hussainganj, District- Siwan.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Excise,  
Govt. of Bihar, Patna.
2. The District Magistrate, Siwan.
3. The Superintendent of Police, Siwan.
4. The Officer in Charge, Hussainganj Police Station, District- Siwan.

... .. Respondent/s

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**Appearance :**

For the Petitioner/s : Mr. Bijay Prakash Singh, Adv.  
For the Respondent/s : Mr. ANIL KUMAR SINHA - GA - 1

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**CORAM: HONOURABLE THE CHIEF JUSTICE**

**and**

**HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY**  
**ORAL ORDER**

**(Per: HONOURABLE THE CHIEF JUSTICE)**

2      11-12-2017                      Having heard learned counsel for the parties, we  
  
find that the house of the petitioner has been sealed vide order  
dated 4.5.2017 by the police officials in connection with  
Hussainganj P.S. Case No.113 of 2017 for violation of the Bihar  
Prohibition and Excise (Amendment) 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, pending criminal case or



confiscation proceedings, we direct the District Magistrate-cum-Collector, Siwan, on the petitioner furnishing bank guaranty to the satisfaction of the District Magistrate-cum-Collector, Siwan, to ensure that the house in question mentioned hereinabove, is unsealed and possession handed over to the petitioner forthwith, if not already auctioned, in connection with the aforementioned case, subject to the condition that the petitioner shall not alienate or deal with the house in question during the pendency of the confiscation and/or criminal case in any manner so as to create a third party interest or prejudice the right of the State in confiscation proceeding and/or criminal case.

With the aforesaid, this application is disposed of.

**(Rajendra Menon, CJ)**

**( Anil Kumar Upadhyay, J)**

K.C.Jha/-

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