

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17589 of 2017

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Sudha Devi @ Jallebi Devi @ Subeta Devi, wife of Binod Paswan, resident
of Village- Dhowaghat, P.O.- Gidhour, P.S.- Gidhour, District- Jamui.

.... Petitioner/s

Versus

1. The State of Bihar through Principal Secretary of Excise Department,
Government of Bihar at Patna.
2. The District Magistrate, Jamui.
3. The Superintendent of Excise, District- Jamui.
4. The Superintendent of Police, Jamui.
5. The S.H.O. Chakai.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Satya Prakash Parasar, Advocate

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 08-12-2017

Having heard learned counsel for the parties, we find

that the house of the petitioner situated on Khata no.37 has been
sealed by the police officials in connection with Khaira P.S. Case
No. 288 of 2017 registered for the offences under Sections
272/273 read with 34 of the Indian Penal Code and Sections 30(a)
(d) and 38(i) of the Bihar Excise and Prohibition Act.

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

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