

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17880 of 2017

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Dharmnath Rai @ Handa Rai @ Handa Rai, son of late Ram Janam Rai,
resident of Village-Pojhi, P.s. Derni, District-Saran at Chapra.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Registration, Excise and Prohibition Department, Government of Bihar, Patna.
2. The District Magistrate-cum-Collector, Saran at Chapra.
3. The Assistant Excise Commissioner, Saran at Chapra.
4. The Superintendent of Excise, Saran at Chapra.
5. the Superintendent of Police, Saran at Chapra.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Dewendra Narayan Singh, 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 the land bearing its Khata No.436, Khesra No.2036, Tauji No.3307 and Thana No.419 in the village Pojhi, Circle Dariyapur, under Police Station Derni, Saran at Chapra has been sealed by the police officials in connection with Derni P.S. Case No. 131 of 2016 registered for the offence under Sections 30 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 and /or criminal 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 finalization of the Confiscation Case No.226 of 2017 District Magistrate-cum-Collector, Saran at Chapra, 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 bank guarantee to the satisfaction of District Magistrate, Saran at Chapra 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 proceedings and/or the criminal proceedings.

With the aforesaid, this application is disposed of.

(Rajendra Menon, CJ)

(Anil Kumar Upadhyay, J)

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