

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.18248 of 2017**

Most. Subhagia Kunwar @ Subhago Devi, Wife of Late Shiv Prasad Ray,  
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

**Appearance :**

For the Petitioner/s : Mr. Dewendra Narayan Singh, Adv.  
For the Respondent/s : Mr. LALIT KISHORE-AG

**CORAM: HONOURABLE THE CHIEF JUSTICE**

**and**

**HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY**

**ORAL ORDER**

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

2     18-12-2017                      Having heard learned counsel for the parties, we find that the house of the petitioner situated in Khata No.107, Khesra No.2146, Tauji No.3307 and Thana No.419 in village- Pojhi, Circle Dariyapur, under Police Station Derni, Saran at Chapra has been sealed vide order dated 23.12.2016 by the police officials in connection with Derni P.S. Case No.137 of 2016 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, Saran at Chapra, on the petitioner furnishing bank guarantee to the satisfaction of the District Magistrate-cum-Collector, Saran at Chapra, 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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