

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18416 of 2017

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Bhola Yadav @ Damodar Yadav @ Damodar Prasad Son of Late Rusho
Yadav Resident of Village - Basti Bigha Tandpar, P.S. - Nardiganj, District -
Nawada.

... .. Petitioner/s

Versus

1. The Chief Secretary, Government of Bihar, Patna.
2. The Principal Secretary, Bihar Excise Department, Government of Bihar,
Patna.
3. The District Magistrate, Nawada.
4. The Superintendent of Police, Nawada.
5. The Station Head Officer, Police Station, Nardiganj, District - Nawada.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Sheo Kumar Prasad, Adv.
For the Respondent/s : Mr. Kumar Ravish, Adv.

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY

ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

2 19-12-2017 Having heard learned counsel for the parties, we

find that the house of the petitioner has been sealed vide order
dated 13.7.2017 by the police officials in connection with
Nardiganj P.S. Case No.88 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, Nawada, on the petitioner furnishing Bank Guarantee to the satisfaction of the District Magistrate-cum-Collector, Nawada, 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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