

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18639 of 2017

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Rebi Kumari, aged about 35 years, Wife of Niraj Kumar, Resident of
Village- Kandaul, Post Office + Block + Police Station- Hulashganj,
District- Jehanabad.

.... Petitioner/s

Versus

1. The State of Bihar through Excise Commissioner, New Secretariat,
Patna.
2. District Magistrate, Jahanabad.
3. The Superintendent of Police, Jahanabad.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mrs. Archana Sinha @ Archana Shahi, Advocate

For the Respondent/s : Mr. AC to AG

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

**HONOURABLE MR. JUSTICE ANIL KUMAR
UPADHYAY**

ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

2 20-12-2017 Having heard learned counsel for the parties, we find

that the house of the petitioner has been sealed by the police
officials in connection with Hulasganj P.S. Case No. 62 of 2017
registered for the offences under Section 30(a) 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 houses
have been directed to be unsealed 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 allow this application and direct to unseal the house in question, mentioned above, on furnishing Bank guarantee to the satisfaction of the District Magistrate-cum-Collector, Jehanabad and possession be handed over to the petitioner within a period of one week from the date of furnishing the Bank guarantee, 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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