

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17258 of 2017

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Pushpa Devi, Wife of Sri Naresh Prasad Singh, Resident of Mohalla-Sunapuram Gali, Near R.P.S. Mahila College, P.S. Rupashpur, District- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Excise Department, Government of Bihar, Patna.
2. The Divisional Commissioner, Patna.
3. The District Magistrate cum Collector, Patna.
4. The Senior Superintendent of Police, Patna.
5. The S.H.O. Danapur, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ajay Kumar Singh, Adv.
For the Respondent/s : Mr. VIKASH KUMAR -SC11

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY

ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

2 24-11-2017 Having heard learned counsel for the parties, we find that the house of the petitioner in Plot No.116, Khata No.121, Tauji No.5521, Thana No.22 has been sealed vide order dated 1.6.2017 by the police officials in connection with Danapur P.S. Case No. 329 of 2017 registered for the offences under Sections 30(4), 38(2) and 41(1) 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, District Magistrate-cum-Collector, Patna, 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-cum-Collector, Patna 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)

K.C.Jha/-

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