

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18014 of 2017

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Dineshwar Prasad @ Dineshwar Rai, son of Iqbal Rai, resident of Village-
Chakmakho Takia, Khodaibagh, P.S.-Khaira, 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. Vikash Kumar - SC-11

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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 in the village Chakmakho Takia, Khodaibagh under Police Station Khaira in the district of Saran at Chapra has been sealed by the police officials in connection with Khaira P.S. Case No. 117 of 2017 registered for the offence under the Bihar Prohibition and Excise Act, 2016.

It is common ground that in various cases, identical in nature, pending finalization of the confiscation proceedings vehicles 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 bearing Khaira P.S. Case No.117 of 2017 and confiscation proceedings bearing Confiscation Case No.213 of 2017, we direct 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, in connection with the aforementioned case, on his furnishing bank guarantee to the satisfaction of the District Magistrate-cum-Collector, Saran at Chapra and 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 the said confiscation proceedings.

With the aforesaid, the writ petition stands disposed of.

(Rajendra Menon, CJ)

(Anil Kumar Upadhyay, J)

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