

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8544 of 2018

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1. Chandradeo Yadav, Son of Late Bhairav Yadav, Resident of Village- Bihraura, Police Station- Lakhisarai, District- Lakhisarai
 2. Sachin Yadav, Son of Chandradeo Yadav, Resident of Village- Pachana, Police Station- Lakhisarai, District- Lakhisarai

... .. Petitioner/s

Versus

1. The State Of Bihar through the Principal Secretary, Department of Excise, Prohibition and Registration, Bihar, Patna
2. The Principal Secretary, Department of Excise, Prohibition and Registration, Government of Bihar, Patna
3. The Collector-cum-District Magistrate, Lakhisarai
4. The Superintendent of Police, Lakhisarai
5. The Police Inspector-cum-S.H.O., Lakhisarai Police Station, Lakhisarai
6. The Circle Officer, Lakhisarai
7. The Investigating Officer of Lakhisarai Police Station Case No.205 of 2017 Lakhisarai Police Station, Lakhisarai

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Om Prakash Maharaj, Advocate
For the Respondent/s : Mr. A.K. Sinha- GA 1

CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD

ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

2 02-05-2018 Having heard learned counsel for the parties, we find

that the building and the land of the petitioner pertaining to

Mauza Biharaura Thana No.92, Tauzi No.31, Khata No.371,

Khesra No.853, Area 0.85 decimals, Jamabandi No.389 has



been sealed by the police officials in connection with Confiscation (Excise) Case No.23 of 2017, arising out of Lakhisarai P.S. Case No.205 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.

Keeping in view the aforesaid, it is directed that pending finalization of the criminal case or confiscation proceedings, the aforesaid property of the petitioner shall be unsealed and possession handed over to the petitioner on the petitioner furnishing original title deed of the property in question and two local sureties to the satisfaction of District Magistrate-cum-Collector, Lakhisarai and further undertaking not to alienate or deal with the property in question or create a third party interest during the pendency of the confiscation proceedings and/or criminal case or prejudice the right of the State in the confiscation proceedings. The property of the petitioner should be unsealed and possession handed over to the petitioner within a period of one week from the date of



furnishing the original title deed and sureties.

With the aforesaid, this writ petition stands allowed
and disposed of.

(Rajendra Menon, CJ)

(Rajeev Ranjan Prasad, J)

K.C.Jha/-

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