

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7191 of 2018

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Roshan Kumar Son of Gajendra Yadav Resident of Village- Jaypurajaagir ,
P.S. Ghelaad, District- Madhepura.

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Excise Department,
Govt. of Bihar, Old Secretariat, Patna.
2. The Excise Commissioner, Madhepura.
3. The Collector-cum-District Magistrate, Madhepura.
4. The Superintendent of Police, Madhepura.
5. The Excise Superintendent , Madhepura.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Kumar Vikram

For the Respondent/s : Mr. Vikash Kumar-Sc11

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE RAJEEV RANJAN

PRASAD

ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

2 17-05-2018 Learned counsel for the petitioner prays for permission to delete certain prayers with regard to direction for implementing the order passed on 08-03-2018 by learned Chief Judicial Magistrate, Madhepura in Excise Case No. 25 of 2018.

He is permitted to do so. Necessary correction be made during course of the day.

Having heard learned counsel for the parties, we find that the mobile shop of the petitioner has been sealed by the police officials in connection with Excise Case No. 25 of 2018 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 mobile shop of the petitioner shall be unsealed and possession handed over to the petitioner on furnishing original title deed of the property in question and two local sureties to the satisfaction of District Magistrate-cum-Collector, Madhepura 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)

A.K.V./-

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