

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12384 of 2018

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Jai Murti Devi, wife of Late Bishwanath Prasad, permanent resident of village- Pareo, P.S.- Bihta, District- Patna at present resident of Mohalla- Ram Nagar Patthar Gali, Postal Park, P.S.- Jakkanpur, District- Patna.

.... Petitioner/s

Versus

1. State of Bihar through its Principal Secretary, Excise Department, Government of Bihar, Patna.
2. The District Magistrate, Patna.
3. Commissioner Excise, Bihar, Patna.
4. Senior Superintendent of Police, Patna.
5. Station Head Officer, Bihta Police Station, Patna.
6. Investigating Officer, Bihta Police Station, Patna.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Raj Dular Sah, Advocate

For the Respondent/s : Mr. Vivek Prasad -GP7

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD

ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

2 05-07-2018

Having heard learned counsel for the parties, we find

that unlock the room/residential house of the petitioner has been sealed by the police officials in connection with Bihta P.S. Case No.499 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 unlock the room/residential house 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, Patna 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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