

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.399 of 2018

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Birbali Sah @ Balkishun Sah Son of late Jaisree Sah Resident of Village-
Jurkan, P.S. Hussainganj, Distt. Siwan.

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Excise and Prohibition Department, Govt. of Bihar, Patna.
2. The District Magistrate, Siwan.
3. The Superintendent of Police, Siwan.
4. The Superintendent of Excise Department, Siwan.
5. The Officer in Charge, Hussainganj, Police Station, Siwan.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ajay Kumar Tiwary, Advocate
For the Respondent/s : Mr. A.K. Sinha- GA1

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

**HONOURABLE MR. JUSTICE ANIL KUMAR
UPADHYAY**

ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

2 16-01-2018 Having heard learned counsel for the parties, we find that the dwelling house of the petitioner has been sealed vide order dated 7.3.2017 by the police officials in connection with Hussainganj P.S. Case No.56 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.

In view of the above, pending criminal case or confiscation proceedings, we direct the District Magistrate-cum-Collector, Siwan , on the petitioner furnishing Bank Guarantee to the satisfaction of the District Magistrate-cum-Collector, Siwan, to ensure that the house in question mentioned hereinabove, is unsealed and possession handed over to the petitioner forthwith, if not already auctioned, in connection with the aforementioned case, subject to the condition that the petitioner shall not alienate or deal with the house in question during the pendency of the confiscation and/or criminal case in any manner so as to create a third party interest or prejudice the right of the State in confiscation proceeding and/or criminal case. The property of the petitioner should be unsealed within a period of one week from the date of furnishing the Bank Guarantee.

With the aforesaid, this application is disposed of.

(Rajendra Menon, CJ)

(Anil Kumar Upadhyay, J)

K.C.jha/-

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