

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15827 of 2018

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Jaynath Chaudhary, Son of Binda Chaudhary, Resident of Village – Sargatti
Musahar Toli, P.S. Garkha, District – Saran.

... .. Petitioner/s

Versus

1. The State Of Bihar.
2. The Inspector General of Police, Bihar, Patna.
3. The Deputy Inspector General of Police, Bihar, Patna.
4. The Superintendent of Police, Saran at Chapra.
5. The Deputy Superintendent of Police, Saran at Chapra.
6. The Officer-in-Charge, Garkha Police Station, District – Saran at Chapra.
7. The Excise Commissioner, Bihar, Patna.
8. The District Magistrate, Saran at Chapra.
9. The District Excise Officer, Garkha, District – Saran at Chapra.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Shashi Bhushan Pandey, Advocate
For the Respondent/s : Mr. Kr. Pankaj, A.C. to S.C.5

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CORAM: HONOURABLE THE ACTING CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE S. KUMAR

ORAL ORDER

(Per: HONOURABLE THE ACTING CHIEF JUSTICE)

2 10-08-2018 Having heard learned counsel for the parties, we find that the residential house of the petitioner standing over Khata No. 1233, Plot No. 41, Village – Sargatti has been sealed by the police officials in connection with Garkha P.S. Case No. 221 of 2016 for violation of the Bihar Prohibition and Excise (Amendment) Act, 2016 as from the said house about 5 litres of liquor were seized.

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 Coordinate



Bench of 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, Saran at Chapra 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.

(Dr. Ravi Ranjan, ACJ)

(S. Kumar, J)

K.C.Jha/Uma/-

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