

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.4718 of 2018

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Kavita Devi @ Kavitto Kumari, wife of Arun Kumar Singh, resident of Village –
Kaitha, P.S. Shambhuganj, District Banka

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary Excise Department, Govt. of Bihar, Patna,
2. The Principal Secretary Excise, Department of Excise, Govt. of Bihar, Patna,
3. The District Magistrate, Banka,
4. The Superintendent of Police, Banka,
5. The Excise Superintendent, Banka
6. The Officer Incharge, Shambhuganj P.S., District Banka

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Choudhary Shyam Nandan

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 JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date: 21-03-2018

This writ petition has been filed for release of the one room house of the petitioner, which has been seized in connection with Shambhuganj P.S. Case No. 184/2017, due to violation of the Excise Act. The prayer made in the writ petition is to release / unseal the one room house in question pending disposal of the confiscation proceedings and criminal case, if any.

It is a common ground that in various cases, identical in nature, pending finalization of the confiscation proceedings houses have been directed to be released / unsealed 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 confiscation proceedings and criminal case, if any, the one room house in question shall be released / unsealed and possession be given to the petitioner on the petitioner depositing the original title deed of the land on which the one-room-house in question is situated along with two local sureties to the satisfaction of District Magistrate, Banka, and on further undertaking that the petitioner shall not alienate or deal with the house / room in question or create a third party interest during the pendency of the confiscation proceedings and criminal case, if any, or prejudice the right of the State in confiscation proceeding. The aforesaid house / room shall be released / unsealed within one week from the date of depositing of the title deed.

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

(Rajendra Menon, CJ)

(Rajeev Ranjan Prasad, J)

Arvind/-

AFR/NAFR	
CAV DATE	
Uploading Date	27.03.2018
Transmission Date	

