

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.1703 of 2018

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Bhim Prasad, son of Ganga Prasad Saw, resident of – Indira Nagar Main Road Bypass, P.S. Kankerbagh, District- Patna.

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Registration, Excise and Prohibition Department, Government of Bihar, Patna.
2. The Principal Secretary, Registration, Excise and Prohibition Department, Government of Bihar, Patna.
3. The District Magistrate cum Collector, Patna.
4. The Senior Superintendent of Police, Patna.
5. The Superintendent of Police, Patna.
6. The Officer in Charge, Kadamkuan Police Station, Kadamkuan, Patna.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Samir Kumar, Advocate

For the Respondent/s : Mr. VIKASH KUMAR -SC11

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date: 30-01-2018

Having heard learned counsel for the parties, we find that the shop of the petitioner has been sealed vide order dated 5.8.2017 by the police officials in connection with Kadamkuan P.S. Case No.337 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, Patna , on the petitioner furnishing two surety bonds to the satisfaction of the District Magistrate-cum-Collector, Patna, to ensure that the shop 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 shop 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 shop of the petitioner should be unsealed within a period of one week from the date of furnishing the surety bonds.

With the aforesaid, this application is disposed of.

(Rajendra Menon, CJ)

(Anil Kumar Upadhyay, J)

K.C.jha/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	01-02-2018
Transmission Date	

