

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6034 of 2018

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Udaichan Malah @ Udai Chand Malah @ Udaychandra Sahni, son of Late
Jai Malah @ Jai Sahni, resident of village- Madir Salonepur, Markan, P.O.-
Markan, P.S.- Hussainganj, District- Siwan.

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary Excise Department,
Government of Bihar at Patna.
2. The District Magistrate, Siwan, District- Siwan.
3. The Superintendent of Police, Siwan, District- Siwan.
4. The Station Head Officer, Hussainganj, District- Siwan.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ranjan Kumar Dubey, Advocate

For the Respondent/s : Mr. Kumar Alok- SC7

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

**HONOURABLE MR. JUSTICE RAJEEV RANJAN
PRASAD**

ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

2 13-04-2018 Having heard learned counsel for the parties, we find

that the property of the petitioner has been sealed vide order dated

15.6.2017 by the police officials in connection with Hussainganj

P.S. Case No.154 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 original title deed of the property in question and two local sureties to the satisfaction of the District Magistrate-cum-Collector, Siwan, to ensure that the shop in question mentioned hereinabove, is unsealed and possession handed over to the petitioner within a week, if not already auctioned, in connection with the aforementioned case, subject to the condition that the petitioner shall not alienate or deal with the property 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 surety bonds.

With the aforesaid, this application is disposed of.

(Rajendra Menon, CJ)

(Rajeev Ranjan Prasad, J)

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