

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6669 of 2018

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Prakash Chaudhary, Son of Misri Chaudhary, resident of Village- Pasi Tola, Purani Durga Asthan Sikandra, P.S.- Sikandra District- Jamui.

.... Petitioner/s

Versus

1. The State of Bihar.
2. The Principal Secretary, Excise Department, Govt. of Bihar, Patna.
3. The Collector cum District Magistrate, Jamui.
4. The Superintendent of Police, Jamui.
5. The officer-In-charge Sikandra, District- Jamui.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Umesh Prasad, Advocate
For the Respondent/s : Mr. Vivek Prasad -GP7

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CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD

ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

2 16-04-2018 Having heard learned counsel for the parties, we find that the house of the petitioner has been sealed vide order dated 18.5.2017 by the police officials in connection with Case No.283(C2) 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, Jamui, 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, Jamui, to ensure that the house 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 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 surety bonds.

With the aforesaid, this application is disposed of.

(Rajendra Menon, CJ)

(Rajeev Ranjan Prasad, J)

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