

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.2415 of 2018

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Omkar Jaiswal @ Omkar Kumar, son of Sri Ramdeo Prasad, resident of
Village- Adarsh Nagar, P.S.- Ghorasahan, District- East Champaran

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Registration, Excise and Prohibition, Government of Bihar, Patna
2. Excise Commissioner, Bihar, Patna
3. The District Magistrate-cum-Collector, East Champaran, Motihari
4. The Senior Deputy Additional Collector, District Legal Section, East Champaran, Motihari
5. The Superintendent of Police, East Champaran, Motihari

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Abhishek Kumar @ Sonu Babu, Advocate
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 : 15-02-2018

This writ petition has been filed for unsealing the house of the petitioner constructed on the land measuring about 5 dhur under Khata No. 68, Khesara No. 563, proposed for confiscation by the Superintendent of Police, East Champaran,



vide Letter No. 3515 dated 28.07.2017 and handing over possession of the same to the petitioner in connection with Confiscation Case No. 718 of 2017, arising out of Ghorasahan P.S. Case No. 27 of 2017 dated 24.01.2017 (Excise Case No. 1392 of 2017) which has been registered due to violation of the Excise Act. The prayer made in the writ petition is to unseal the house in question and hand over possession of the same to the petitioner during the pendency of the confiscation proceedings and criminal case.

It is common ground that in various cases, identical in nature, pending finalization of the confiscation proceedings vehicles/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.

Keeping in view the aforesaid, it is directed that pending finalization of the aforesaid confiscation proceedings and criminal case, the aforesaid house of the petitioner shall be unsealed and possession handed over to the petitioner on his furnishing two sureties to the satisfaction of District Magistrate, East Champaran, Motihari and further undertaking not to alienate or deal with the house in question or create a third party interest during the pendency of the confiscation proceedings and



criminal case or prejudice the right of the State in confiscation proceeding. The aforesaid house in question shall be unsealed and possession handed over to the petitioner within one week from the date of furnishing the sureties.

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

(Rajendra Menon, CJ)

(Rajeev Ranjan Prasad, J)

P.K.P./-

AFR/NAFR	N.A.F.R.
CAV DATE	N.A.
Uploading Date	16.02.2018
Transmission Date	

