

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.2705 of 2018

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1. Renu Devi, W/o Late Dinesh Prasad Gupta, resident of Mohalla- Fakira Khan, P.S. Town, District- Darbhanga
 2. Lalita Kumari @ Lalita Devi, W/o- Manoj Kumar, resident of Mohalla- Rahamganj, P.S.- Town, District- Darbhanga

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Govt. of Bihar, Patna
2. The Director General of Police, Bihar, Patna
3. The District Magistrate, Darbhanga
4. The Superintendent of Police, Darbhanga
5. The Inspector-cum-SHO, Darbhanga Town Police Station, Darbhanga
6. The I.O.-cum-Sub Inspector of Police, Town Police Station, Darbhanga
7. The Principal Secretary, Excise Department, Government of Bihar, Patna

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Saroj Kumar, Advocate
For the Respondent/s : Mr. Kumar Manish- SC5

CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 16-02-2018

This writ petition has been filed for unsealing the premises of shop and godown of the petitioners situated at



Allugaddi, Gullobara, Gudari Bazar, Darbhanga and its Shop No.-Sand6 and handing over possession of the same to the petitioner in connection with Darbhanga Town P.S. Case No. 139/17 which has been registered due to violation of the Excise Act. The prayer made in the writ petition is to unseal the shop and godown in question and hand over possession of the same to the petitioners 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 confiscation proceedings and aforesaid criminal case, the aforesaid shop and godown of the petitioners shall be unsealed and possession handed over to the petitioners on their furnishing two sureties to the satisfaction of District Magistrate, Darbhanga and further undertaking not to alienate or deal with the property 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 shop and godown in question shall be unsealed and possession handed over to the petitioners 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	19.02.2018
Transmission Date	

