

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.1136 of 2018

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Bikesh Kumar @ Amarjit Kumar, Son of Shyamal Kishore Rai @ Bulu Rai,
resident of Village- Dumariya Khurd, P.S.- Parbatta, District- Khagaria.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Excise, Government of Bihar, Patna.
2. The Secretary, Department of Excise, Government of Bihar, Patna.
3. The District Magistrate Cum Collector, Khagaria.
4. The S.P. Khagaria.
5. The Officer Incharge, Police Station, Parbatta, District- Khagaria.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Anil Kumar Choudhary, 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 : 19-01-2018

This writ petition has been filed for unsealing the residential house (ground floor) of the petitioner, situated at Dumaria Khurd, P.S. Parbatta, District- Khagaria and handing over possession of the same to the petitioner, which has been



seized and sealed in connection with Parbatta P.S. Case No. 261/2017 due to violation of the Excise Act.

The prayer made in the writ petition is to unseal the aforesaid house and hand over possession of the same to the petitioner pending finalization 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 house in question be unsealed and possession handed over to the petitioner, on his furnishing Bank Guarantee to the satisfaction of District Magistrate, Khagaria 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. The aforesaid house shall be unsealed and possession handed over to the petitioner within one week from the date of furnishing of the Bank Guarantee.



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

(Rajendra Menon, CJ)

(Anil Kumar Upadhyay, J)

P.K.P./-

AFR/NAFR	N.A.F.R.
CAV DATE	N.A.
Uploading Date	23.01.2018
Transmission Date	

