

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1168 of 2018

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Randhir Kumar Rai @ Randhir Prasad @ Randhir Singh, son of Brij Nandan Rai, resident of village- Rukunpur, P.S.- Fatuha, District- Patna.

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary Excise Department, Government of Bihar, Patna.
2. The District Magistrate, Patna.
3. The Senior Superintendent of Police, Patna.
4. The Nodel Officer Liquor Prohibition Cell, Patna.
5. The Officer in charge of Nadi Police Station.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Mukesh Kumar No-1, Advocate

For the Respondent/s : Mr. Vivek Prasad- GP7

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE ANIL KUMAR

UPADHYAY

ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

2 18-01-2018 Having heard learned counsel for the parties, we find that the house of the petitioner has been sealed vide order dated 22.9.2017 by the police officials in connection with Confiscation Case No.376 of 2017-18 arising out of Nadi P.S. Case No.41 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, Patna, on the petitioner furnishing Bank Guarantee to the satisfaction of the District Magistrate-cum-Collector, Patna, to ensure that the house in question mentioned hereinabove, is unsealed and possession handed over to the petitioner forthwith, 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 Bank Guarantee.

With the aforesaid, this application is disposed of.

(Rajendra Menon, CJ)

(Anil Kumar Upadhyay, J)

K.C.jha/-

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