

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.226 of 2018

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Dashrath Sah, Son of Late Sudama Sah, resident of Village- Narayanpur,
Police Station- Kuchaikote, District- Gopalganj.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Registration, Prohibition and Excise, Govt. of Bihar, Patna.
2. The Collector, Gopalganj.
3. The Excise Superintendent, Gopalganj.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Umesh Kumar Singh, Adv.
For the Respondent/s : Mr. ANIL KUMAR SINHA -GA1

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY

ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

2 11-01-2018 Having heard learned counsel for the parties, we find that the shop of the petitioner has been sealed vide order dated 3.7.2017 by the police officials in connection with Kuchaikote P.S. Case No.180 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, Gopalganj, on the petitioner furnishing two solvent sureties to the satisfaction of the District Magistrate-cum-Collector, Gopalganj, to ensure that the shop in question mentioned hereinabove, is unsealed and possession handed over to the petitioner, if not already auctioned, in connection with the aforementioned case, subject to the condition that the petitioner shall not alienate or deal with the premises 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)

(Anil Kumar Upadhyay, J)

K.C.Jha/-

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