

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2605 of 2018

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Ram Pravesh Rai, S/o Late Gandhi Rai, resident of village - Fatehpur, P.S. -
Patori, District - Samastipur.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Prohibition & Excise, Patna.
2. The District Magistrate, Samastipur.
3. The Sub-Divisional Magistrate, Patori, District - Samastipur.
4. The Superintendent of Police, Samastipur.
5. The Sub Divisional Police Officer, Patori, District - Samastipur.
6. The Circle Officer, Patori, District - Samastipur.
7. The Station House Officer, Patori, District - Samastipur.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Suneil Kumar Thakur, Advocate
For the Respondent/s : Mr. Vikash Kumar -SC-11

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD

ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

2 13-02-2018

This writ petition has been filed for unsealing the shop of the petitioner situated at Village-Chandpura and that of the residential house situated at village-Fatehpur under Patori police station situated in the district of Samastipur which have been sealed in connection with Patori P.S. Case No.174 of 2017 due to 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 premises have been directed to be unsealed 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, Samastipur to ensure that the house and the shop in question mentioned hereinabove, is unsealed and possession handed over to the petitioner within a period of one week from the date of furnishing two sureties each for the shop and the house separately to the satisfaction of the District Magistrate, Samastipur, in connection with the aforementioned case, subject to the condition that the petitioner shall not alienate or create third party interest or deal with the house and the shop in question in any manner so as to prejudice the right of the State in confiscation proceedings and criminal case.

With the aforesaid, the writ petition stands disposed of.

(Rajendra Menon, CJ)

(Rajeev Ranjan Prasad, J)

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