

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.1093 of 2018

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Manish Ray Alias Manish Kumar Ray Son of Sri Mohan Rai Resident of
Villge- Devapur, Mauza Tola, P.S.-Barauli, District- Gopalganj.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Prohibition, Excise and Registration Department, Government of Bihar, Patna.
2. The Excise Commissioner, Excise Department, Government of Bihar, Patna.
3. The Collector, Gopalganj.
4. The Superintendent of Police, Gopalganj.
5. The Excise Superintendent, Gopalganj.
6. The Officer-in-Charge, Barauli Police Station , District-Gopalganj
7. The Circle Officer, Barauli, District- Gopalganj.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ranjeet Kumar Pandey, Advocate
Mr. Radhey Shyam Kumar, Advocate
For the Respondent/s : Mr. Anil Kumar Sinha -GA1
Ms. Aditi Hansaria, A.C. to G.A.

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 01-02-2018

This writ petition has been filed for unsealing of
two rooms of the residential house of the petitioner, which has



been sealed in connection with Barauli P.S. Case No. 138/2017 due to violation of the Excise Act. The prayer made in the writ petition is to unseal the aforesaid two rooms and hand over possession of the same to the petitioner pending finalization of Confiscation (Excise) Case No. 390/2017 and the aforesaid criminal case.

It is common ground that in various cases, identical in nature, pending finalization of the confiscation proceedings vehicles/property 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 aforesaid confiscation proceedings and criminal case, the aforesaid two rooms in question of the residential house of the petitioner shall be unsealed and possession handed over to the petitioner, on his furnishing Bank Guarantee to the satisfaction of District Magistrate, Gopalganj and further undertaking not to alienate or deal with the aforesaid two rooms in question or create any 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 two rooms of the petitioner 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	09.02.2018
Transmission Date	

