

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3224 of 2018

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Smt. Sumitra Devi, wife of Sri Kamta Yadav @ Kamta Singh, Resident of
Village- Chhotki Sahajauli, P.S.- Shahpur, District- Bhojpur.

... .. Petitioner/s

Versus

1. The State of Bihar, through the Principal Secretary, Registration Excise & Prohibition Department, Govt. of Bihar, Patna.
2. The Excise Commissioner, Bihar, Patna.
3. The District Magistrate-Cum- Collector, Bhojpur.
4. The Director General of Police, Bihar, Patna.
5. The Superintendent of Police, Bhojpur.
6. The Officer- in- Charge, Shahpur P.S., Bhojpur.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Surj Bansh Roy
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 23-02-2018 This writ petition has been filed for a direction to the respondents to unseal and release the house of the petitioner, situated in Khata No.35, Khesra No.317, total area of land and house 7 decimals, Thana No.213, situated at Mauja- Bagahi, which has been sealed in connection with Shahpur P. S. Case No.104 of 2017 due to violation of the Bihar Prohibition and Excise Act, 2016.

It is common ground that in various cases, identical in nature, pending finalization of the confiscation proceedings or initiation of confiscation proceedings and criminal case, 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 or initiation of the confiscation proceedings and criminal case, the house in question shall be released to the petitioner on her furnishing two sureties to the satisfaction of District Magistrate-cum-Collector, Bhojpur, within a period of one week from the date of her furnishing the sureties and further undertaking not to alienate or create third party interest or deal with the properties in question during the pendency of the confiscation proceedings and criminal case so as to cause adverse effect or prejudice to the State Government.

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

(Rajendra Menon, CJ)

(Anil Kumar Upadhyay, J)

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