

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.3244 of 2018

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Lal Bahadur Rai @ Lalo Rai @ Lalbahadur Ray, S/o Late Ram Shreshtha Rai @ Ramashreshth Ray, Resident of Village- Gangapur, P.S.- Tajpur (Waini O.P.), Dist- Samastipur.

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Registration, Excise & Prohibition Department, Govt. of Bihar, Patna.
2. The Collector/District Magistrate, Samastipur.
3. The Excise Deputy Commissioner, Darbhanga.
4. The Superintendent of Police, Samastipur.
5. The Superintendent of Excise, Samastipur.
6. The In-charge Deputy Collector, District Legal Section, Samastipur.
7. The Officer-in-Charge cum S.H.O. Tajpur (Waini O.P.) Police Station under District- Samastipur.
8. The Investigation Officer, S.I. Tajpur (Waini O.P.) Police Station under District- Samastipur.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ranjan Kumar

For the Respondent/s : Mr. VIKASH KUMAR- SC11

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date: 20-03-2018

This writ petition has been filed for release of the land with respect to Plot No. 569, Bheet Old, 1330 Bheet new, 821 Bheet Chak, 670, 667 Bheet Chak, 896 Bheet new 596 under Khata No. 124 old 20 new, 349 old 458 new pertaining to area 12 dhur of Thana 22 situated



in Mauza Gangapur and two storied building situated over the land which have been seized in connection with Tajpur (Waini O.P.) P.S. Case No. 63 of 2017 due to violation of the Excise Act. The prayer made in the writ petition is to release the land including building in question pending finalization of Confiscation (Excise) Case No. 115 of 2017 (State Vs. Lal Bahadur Rai) and the criminal case.

It is common ground that in various cases, identical in nature, pending finalization of the confiscation proceedings the land including building have been directed to be released / unsealed 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 land including building in question shall be released / unsealed to the petitioner, on his furnishing Bank Guarantee to the satisfaction of the Collector – cum - District Magistrate, Samastipur and with further undertaking by the petitioner that he shall not alienate or deal with the land including building in question or create a third party interest during the pendency of the confiscation proceedings and criminal case or prejudice the right of the State in confiscation proceeding. The land including building in question shall be released / unsealed 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)

(Rajeev Ranjan Prasad, J)

Dilip, AR

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	22.03.2018
Transmission Date	N/A

