

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9900 of 2018

Subodh Kumar Mandal, son of Bhagirath Mandal, Resident of Village-
Athagama, P.S. Ghogha, District- Bhagalpur

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Excise and Prohibition, Govt. of Bihar, Patna
2. The District Magistrate-cum-Collector, Bhagalpur
3. The Superintendent of Police, Bhagalpur
4. The Officer-in-Charge, Kahalgaon (Ghogha) P.S. District- Bhagalpur

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Davendra Kumar Pandey, Advocate
For the Respondent/s : Mr. Anil Kr. Sinha- GA-1

CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

2 18-05-2018 This writ petition has been filed for unsealing the Photostat shop of the petitioner and handing over possession of the same to the petitioner in connection with Kahalgaon (Ghogha) P.S. Case No. 749/2017 giving rise to Misc. (Excise) Case No. 06/18-19 which has been registered due to violation of the Excise Act. The prayer made in the writ petition is to unseal the Photostat shop in question and hand over possession of the same to the petitioner during the pendency of the confiscation proceedings and criminal case.

It is common ground that in various cases, identical in nature, pending finalization of the confiscation proceedings/criminal case vehicles/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 of the confiscation proceedings and criminal case, the aforesaid Photostat shop of the petitioner shall be unsealed and possession handed over to the petitioner on his furnishing original title deed of the property in question and two local sureties to the satisfaction of District Magistrate, Bhagalpur and further undertaking not to alienate or deal with the property 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 proceedings. The aforesaid property in question shall be unsealed and possession handed over to the petitioner within one week from the date of furnishing the original title deed and sureties.

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

(Rajendra Menon, CJ)

(Rajeev Ranjan Prasad, J)

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