

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.19065 of 2017

=====

Arun Bhagat, Son of Rameswar Prasad Bhagat, resident of Panjawara, P.S.-
Panjawara, District- Banka.

... .. Petitioner/s

Versus

1. The State of Bihar through the Excise Commissioner, Govt. of Bihar, Patna.
2. The District Magistrate, Banka, District- Banka.
3. The Circle Officer, Barahat, District- Banka.
4. The Superintendent of Police, Banka, District- Banka.
5. The Excise Superintendent, Banka, District- Banka.
5. The Inspector cum Station House Officer, Panjawara, District- Banka.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Prahalad Kumar Bhagat, Adv.
For the Respondent/s : Mr. VIVEK PRASAD -GP7

=====

CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY

ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

2 11-01-2018

Having heard learned counsel for the parties, we find that the Hotel of the petitioner, as detailed in Para- 1 and named as 'Sarvoday Hotel', situated in Khata No.560 (New) 81 (Old), Plot No.236 (New) 233 (Old) area 05 Decimal, has been sealed vide order dated 4.8.2017 by the police officials in connection with Panjawara P.S. Case No.66/17 (G.R. No.2342/17) for 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 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.

In view of the above, pending criminal case or confiscation proceedings, we direct the District Magistrate-cum-Collector, Banka, on the petitioner furnishing two solvent sureties to the satisfaction of the District Magistrate-cum-Collector, Banka, to ensure that the house in question mentioned hereinabove, is unsealed and possession handed over to the petitioner forthwith, if not already auctioned, in connection with the aforementioned case, subject to the condition that the petitioner shall not alienate or deal with the premises in question during the pendency of the confiscation and/or criminal case in any manner so as to create a third party interest or prejudice the right of the State in confiscation proceeding and/or criminal case.

The property of the petitioner should be unsealed within a period of one week from the date of furnishing the surety bonds.



With the aforesaid, this application is disposed
of.

(Rajendra Menon, CJ)

(Anil Kumar Upadhyay, J)

K.C.Jha/-

U			
---	--	--	--

