

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.19352 of 2017

Vicky Kumar Rai @ Vicky Kumar @ Viky Kumar Yadav, Son of Dhirendar Prasad Rai @ Jhuri Rai, Resident of Village- Asarapur- Supaul, P.S.- Patory District- Samastipur.

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Excise Department, Government of Bihar, Patna.
2. The Collector, Samastipur.
3. The S.D.J.M. Patory, Samastipur.
4. The Circle Officer (C.O.) Patory, Samastipur.
5. The Officer Incharge of Patory Police Station, Samastipur.
6. The I.O. of Patory P.S. Case No.391/2016, District- Samastipur.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Sunil Kumar Pathak, Advocate
For the Respondent/s : Mr. Vikash Kumar- SC11

CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

2 04-01-2018 Having heard learned counsel for the parties, we find that the living house cum Kiran Store of the petitioner has been sealed by the police officials in connection with Patory P .S. Case No.391 of 2016 registered under the provision 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 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 finalisation of the



confiscation proceedings, we direct the District Magistrate-cum-Collector, Samastipur to ensure that the premises in question mentioned hereinabove, is unsealed and possession handed over to the petitioner forthwith, in connection with the aforementioned case, on his furnishing two surety bonds to the satisfaction of District Magistrate-cum-Collector, Samastipur subject to the condition that the petitioner shall not alienate or create third party interest or deal with the house in question in any manner so as to prejudice the right of the State in confiscation proceeding.

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

(Rajendra Menon, CJ)

(Anil Kumar Upadhyay, J)

Sunil/-

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