

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.12002 of 2018

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1. Bishu Choudhary @ Vishnudeo Chaudhary, son of Late Doman Choudhary
2. Rajeev Kumar @ Rajeev Chaudhary, son of Late Bhola Choudhary
Both are resident of Village- Ganaura, P.S.- Nathnagar (Madhusudanpur),
District- Bhagalpur

... .. Petitioner/s

Versus

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

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Dhananjay Kumar Pandey, Advocate
For the Respondent/s : Mr. Vivek Prasad - GP-7

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD

ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

2 06-07-2018 This writ petition has been filed for unsealing the

residential house of the petitioners and handing over possession

of the same to the petitioners in connection with Nathnagar

(Madhusudanpur) P.S. Case No. 241/2016 (G.R. No.



2857/2016) which has been registered due to violation of the Excise Act. The prayer made in the writ petition is to unseal the house in question and hand over possession of the same 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 dwelling house of the petitioners shall be unsealed and possession handed over to the petitioners on their 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 house 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 house in question shall be unsealed and possession handed over to the petitioners 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)

P.K.P./-

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