

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3376 of 2018

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Nagina Devi W/o Late Shyam Nath Singh, Resident of Mohalla-Chandpur
Bela, P.S. Jakkanpur, District-Patna.

.... Petitioner/s

Versus

1. The State of Bihar Through the Secretary Prohibition and Excise
Department, Government of Bihar, Patna
2. The Commissioner, Prohibition and Excise Department, New
Secretariate, Patna.
3. The District Magistrate, Patna.
4. The Superintendent of Police, Patna,
5. The Officer-Incharge of Jakkanpur Police Station, District-Patna.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Kripa Nand Jha, Advocate
For the Respondent/s : Mr. Vivek Prasad- GP7

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

ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

2 09-04-2018 Having heard learned counsel for the parties, we find

that the shop of the petitioner has been sealed vide order dated

16.12.2017 by the police officials in connection with Jakkanpur

P.S. Case No.420 of 2017 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, Patna , on the petitioner furnishing original title deed of the property in question and two local sureties to the satisfaction of the District Magistrate-cum-Collector, Patna, to ensure that the shop in question mentioned hereinabove, is unsealed and possession handed over to the petitioner within a week, if not already auctioned, in connection with the aforementioned case, subject to the condition that the petitioner shall not alienate or deal with the house 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)

(Rajeev Ranjan Prasad, J)

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