

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6977 of 2018

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Sushil Jha, Son of Late Bahadue Jha, Resident of Village-Kamalpur P.O.-
Pipra Bazar, P.S.-Pipra, District Supaul.

.... Petitioner/s

Versus

1. The State of Bihar through Chief Secretary of Secretariat Bihar Patna.
2. The Principal Secretary Excise Department Govt. of Bihar, Patna.
3. The District Magistrate Supaul
4. The Excise Superintendent, Supaul.
5. The Inspector Excise Supaul.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Amarnath Jha, Advocate

For the Respondent/s : Mr. Kumar Manish- SC5

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

**HONOURABLE MR. JUSTICE RAJEEV RANJAN
PRASAD**

ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

2 16-04-2018 Having heard learned counsel for the parties, we find

that the shop of the petitioner has been sealed vide order dated
22.3.2017 by the police officials in connection with Misc. Excise
No.1070 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 shop
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, Supaul, 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, Suapul, 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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