

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.1152 of 2018

=====

Tarun Mahto, S/o Chandrika Mahto, R/o Village- Samastpura, P.S.- Bheldi,
District- Saran at Chhapra.

.... Petitioner/s

Versus

1. The State of Bihar through District Magistrate, Saran at Chhapra.
2. The Superintendent of Police, Saran at Chhapra.
3. The Excise Superintendent, Saran at Chhapra.
4. The Excise Inspector, Excise, Saran at Chhapra.
5. The Police Inspector-cum-SHO, Bheldi Police Station, Saran at Chhapra.

.... Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Yashraj Bardhan, Advocate
For the Respondent/s : Mr. KUMAR MANISH -SC5

=====

CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date: 30-01-2018

Having heard learned counsel for the parties, we find that the hotel of the petitioner has been sealed vide order dated 17.9.2017 by the police officials in connection with Bheldi P.S. Case No.149 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, Saran at Chapra, on the petitioner furnishing two surety bonds to the satisfaction of the District Magistrate-cum-Collector, Saran at Chapra, to ensure that the hotel 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 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)

(Anil Kumar Upadhyay, J)

K.C.jha/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	01-02-2018
Transmission Date	

