

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.5545 of 2018

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Virendra Kumar, Son of Paras Nath Singh, Residency of Mohalla- Khajpura B.V.
College Rukanpura, Bailey Road, P.S.- Hawai Adda, District- Patna.

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Excise, Govt. of Bihar, Patna.
2. The District Magistrate, Patna.
3. The Superintendent of Police, Patna.
4. The Excise Superintendent, Patna.
5. The Officer-in-Charge of Rajeev Nagar Police Station, Patna.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Arun Kumar

For the Respondent/s : Mr. A.K. SINHA- GA1

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date: 04-04-2018

This writ petition has been filed for unsealing the commercial premises of the petitioner situated at Plot No.275, West of Ramnagri More, Near Paras Nath Garden, P.S.-Rajeev Nagar, P.O.-Ashiana, District-Patna and handing over possession of the same to the petitioner in connection with Rajeev Nagar P.S. Case No. 293/2017, Special Case No.7274/17 which has been registered due to violation of the Excise Act. The prayer made in the writ petition is to



unseal the commercial premise 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 commercial premises of the petitioner shall be unsealed and possession handed over to the petitioner on his furnishing original title deed of the property in question and two local sureties to the satisfaction of District Magistrate, Patna and further undertaking not to alienate or deal with the commercial premise 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 commercial premise in question shall be unsealed and possession handed over to the petitioner 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)

Arvind/-

AFR/NAFR	
CAV DATE	
Uploading Date	07.04.2018
Transmission Date	

