

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Writ Jurisdiction Case No.442 of 2018

Arising out of Chowk P.S. Case No.317 of 2017, District-Patna

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Girja Devi, wife of Mohit Kumar, resident of Mohalla- 9, Gurugovind Singh Patha, Post- Jahuganj, Patnacity, Nagia, P.S. Chowk, 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 Officer-in- Charge, Chowk, P.S.- Chowk, District Patna.
5. S.I. Cum Informant, Chowk, P.S.- Chowk, District Patna.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Pramod Kumar

For the Respondent/s : Mr. Anil Kumar Sinha (GA1)

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD

ORAL ORDER

2 25-04-2018 It appears from the First Information Report that there was an allegation against one Rakesh Kumar that he was supplying the illicit liquor and had stored the illicit liquor in his house. This petitioner is the mother of the said Rakesh Kumar. The house in question has been sealed as there had been recovery of 29 bottles of Royal Stag whisky from the house.

Learned counsel for the petitioner submits that this petitioner is 85 years old widow and during the pendency of this application her only son Rakesh Kumar, who was an accused in connection with this case, has also died. It is submitted that the petitioner has no place to live and she is in a precarious condition,



therefore the house in question may be provisionally released pending confiscation proceeding. It is submitted that no confiscation proceeding has been initiated as yet.

Learned counsel for the State is present.

In the facts and circumstances considering that no confiscation proceeding has been initiated as yet and the petitioner is said to be a widow aged about 85 years, I would direct provisional release of the house on her furnishing two sureties to the satisfaction of the District Magistrate, Patna. The District Magistrate, Patna is directed to accept the surety bond to his satisfaction immediately on receipt of this order and shall pass an order forthwith towards de-sealing of the house in question to avoid further harassment to the widow of this case.

(Rajeev Ranjan Prasad, J)

Arvind/-

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