

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.12724 of 2018

Pravesh Kumar, S/o- Suresh Prasad @ Suresh Sah, resident of Village-
Najirpur, P.S.- Ahiyapur, Dist- Muzaffarpur, The Proprietor, Priya Hotel,
Situated at Zero Mile, P.S.- Ahiyapur, Dist- Muzaffarpur

... .. Petitioner/s

Versus

1. The State of Bihar through the District Magistrate, Muzaffarpur
2. The District Magistrate, Muzaffarpur
3. The Superintendent of Police, Muzaffarpur, Dist- Muzaffarpur
4. The Officer in charge, Ahiyapur Police Station, Dist- Muzaffarpur
5. Shri Sunil Kumar Singh, S/o- not known, the A.S.I., Ahiyapur Police
Station, Dist- Muzaffarpur, the Investigating Officer, Ahiyapur Police Station,
Dist- Muzaffarpur
6. The Superintendent of Police, Excise Department, Government of Bihar,
Patna

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Mahendra Thakur, Advocate
For the Respondent/s : Mr. Vivek Prasad- GP7

CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD

ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

2 05-07-2018 This writ petition has been filed for unsealing the
Priya Hotel of the petitioner, situated at Zero Mile, Muzaffarpur,



P.S. Ahiyapur, District- Muzaffarpur and handing over possession of the same to the petitioner in connection with Ahiyapur P.S. Case No. 503/2018 which has been registered due to violation of the Excise Act. The prayer made in the writ petition is to unseal the hotel in question and hand over possession of the same to the petitioner 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 hotel 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, Muzaffarpur and further undertaking not to alienate or deal with the hotel 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 hotel 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)

P.K.P./-R.S.Sen

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