

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.14960 of 2018

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Umeshwar Upadhyay @ Umashankar Upadhyay, S/o Late Jagannath Upadhyay, R/o Village Anand Nagar, P.O. Bettiah District- West Champaran- 845438, Bihar.

... .. Petitioner/s

Versus

1. The State of Bihar through its Excise Commissioner, Excise Department, Government of Bihar, New Secretariat, Patna.
2. District Magistrate-cum-Collector, Patna.
3. Sr. Superintendent of Police, Patna.
4. Station House Officer, Police Station- Patliputra, District- Patna.
5. Mukesh Kumar Ojha, S/o Lakshman Ojha, permanent R/o Village- Dharampur, P.S.- Baniyapur, District- Chapra. At present House NO. 59 D, Road NO. 06, East Patel Nagar, Patna, Bihar.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Brajesh Sahay, Advocate
Mrs. Nirmala Kumari, Advocate
Mr. Amit Narayan, Advocate
For the Respondent/s : Mr. Vivek Prasad -Gp7

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**CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD**

ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

2 01-08-2018 Having heard learned counsel for the parties, we find

that the Residential Property (Flat No. 103, Gulddawdi

Apartment, Road No. 10, Shiv Mandir Road, Indrapuri, Patna,



Bihar) of the petitioner has been sealed by the police officials in connection with (Patna) Patliputra PS Case No. 85 of 2018 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. Keeping in view the aforesaid, it is directed that pending finalization of the criminal case or confiscation proceedings, the aforesaid Residential Property (Flat No. 103, Gulddawdi Apartment, Road No. 10, Shiv Mandir Road, Indrapuri, Patna, Bihar) of the petitioner shall be unsealed and possession handed over to the petitioner on the petitioner furnishing original title deed of the property in question and two local sureties to the satisfaction of District Magistrate-cum-Collector, Patna and further undertaking not to alienate or deal with the property in question or create a third party interest during the pendency of the confiscation proceedings and/or criminal case or prejudice the right of the State in the confiscation proceedings. The property of the petitioner should be unsealed and possession handed over to the petitioner within a period of one week from the date of furnishing the original



title deed and sureties. With the aforesaid, this writ petition stands allowed and disposed of.

(Rajendra Menon, CJ)

(Rajeev Ranjan Prasad, J)

K.C.Jha/Uma-

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