

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15435 of 2018

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Kalesar Chaudhari, Son of Late Madho Chaudhari, resident of Village-
Kohra, Police Station- Makhdumpur in the district of Jehanabad.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Excise, Government of Bihar, Patna.
2. The Principal Secretary, Excise Department, Government of Bihar, Patna. null null
3. The District Magistrate-cum- Collector, Jehanabad.
4. The Superintendent of Police, Jehanabad.
5. The Officer-in- Charge, Makhdumpur P.S. in the district of Jehanabad.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Sunil Kumar, Advocate
For the Respondent/s : Mr. Vikash Kumar- Sc11

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD

ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

2 07-08-2018 This writ petition has been filed for unsealing the house of the petitioner situated over the land bearing Khata No . 188, Plot No. 1201, area 3 Decimala, situated at Mauza- Kohra, P.S.- Makhdumpur in the district of Jehanabad, Thana No. 310 and handing over possession of the same to the petitioner in connection with Makhdumpur (Tehta) P.S. Case No. 207 /2017 which has been registered due to violation of the Excise Act. The prayer made in the writ petition is to unseal the house 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 house of the petitioner situated over the land bearing Khata No . 188, Plot No. 1201, area 3 Decimala, situated at Mauza- Kohra, P.S.- Makhdumpur in the district of Jehanabad, Thana No. 310 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, Jehanabad and further undertaking not to alienate or deal with the house 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 house 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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