

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.10028 of 2018**

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Ashok Chaudhary, son of Suraj Choudhary, Resident of Village- Ward No. 9  
Naya Jaan Tola, Police Station- Bhagwan Bazar, District- Chapra.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Excise and Prohibition Department, Government of Bihar, Patna.
2. The District Magistrate, Chapra.
3. The Superintendent of Police, Chapra.
4. The Superintendent of Excise Department, Chapra.
5. The Officer in Charge, Bhagwan Bazar Police Station, Chapra.

... .. Respondent/s

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**Appearance :**

For the Petitioner/s : Mr. Ajay Kumar Tiwary, Advocate  
For the Respondent/s : Mr. Kumar Manish- SC 5

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**CORAM: HONOURABLE THE CHIEF JUSTICE**

**and**

**HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD**

**ORAL ORDER**

**(Per: HONOURABLE THE CHIEF JUSTICE)**

2      19-06-2018                      Having heard learned counsel for the parties, we find  
  
that the dwelling house of the petitioner has been sealed by the  
  
police officials in connection with Bhgwan Bazar P.S. Case  
  
No.220 of 2017 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 dwelling house 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, Chapra 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/-

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