

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4118 of 2018

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Naresh Saw, son of Jageshwar Saw, resident of village – Tetarhat, P.S. – Halsi,
District – Lakhisarai.

.... Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Excise Department, Govt. of Bihar, Patna.
2. The District Magistrate, Lakhisarai
3. The Superintendent of Police, Lakhisarai.
4. The Officer-in-Charge, Police Station – Halsi, District – Lakhisarai.

.... Respondent

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Appearance :

For the Petitioner/s : Mr. Mrigendra Kumar

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 JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date: 09-03-2018

This writ petition has been filed for release/unseal the shop which has been seized by the police in connection with Excise Case No. 43C-2/2017 pending in the court of learned Additional District and Sessions Judge-2-cum-Special Judge (Excise), Lakhisarai for the offences under Sections 30(a), 32(1) and 56 of the Bihar Prohibition and Excise Act, 2016. The prayer made in the writ petition is to release the shop in question pending finalization of the confiscation proceedings and criminal case.

It is common ground that in various cases, identical in nature, pending finalization of the confiscation proceedings 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 shop of the petitioner shall be unsealed and possession handed over to the petitioner on his furnishing two sureties to the satisfaction of District Magistrate, Lakhisarai and further undertaking not to alienate or deal with the shop 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 proceeding. The aforesaid shop in question shall be unsealed and possession handed over to the petitioner within one week from the date of furnishing the sureties.

With the aforesaid, the writ petition stands allowed and disposed of.

(Rajendra Menon, CJ.)

(Rajeev Ranjan Prasad, J.)

Rajeev/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	13.03.2018
Transmission Date	NA

