

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.4266 of 2018

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1. Shiv Kumar Singh
 2. Mantu Singh, Both are S/o Late Parsuram Singh, R/o Village- Renua, P.S.- Hussainganj, District- Siwan.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. The Commissioner, Excise Saran Division at Chapra.
3. The District Magistrate, Siwan.
4. The Superintendent of Police, Siwan.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Gajendra Kumar Singh, Advocate
For the Respondent/s : Mr. Vivek Prasad-GP7

CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 13-03-2018

This writ petition has been filed for unsealing the residential house of the petitioners situated on his land appertaining to Khata No. 93, Plot No. 688, Area 3 Kattha 6 dhur in Village- Renua, P.S. Hussainganj, District- Siwan and handing over possession of the same to the petitioners in



connection with Husainganj P.S. Case No. 63/2017 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 to the petitioners 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 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 aforesaid criminal case, the aforesaid dwelling house of the petitioners shall be unsealed and possession handed over to the petitioners on their furnishing Bank Guarantee to the satisfaction of District Magistrate, Siwan 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 proceeding. The aforesaid house in question shall be unsealed and possession handed over to the petitioners within one week from the date of furnishing the



Bank Guarantee.

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

(Rajendra Menon, CJ)

(Rajeev Ranjan Prasad, J)

P.K.P./-

AFR/NAFR	N.A.F.R.
CAV DATE	N.A.
Uploading Date	15.03.2018
Transmission Date	

