

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.1999 of 2018

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Ajay Sah Kasera @ Ajay Sah Son of late Lukha Sah Kasera Resident of
Village- Amarpur, Ward No. 12, P.S. Amarpur, District Banka.

... .. Petitioner/s

Versus

1. The State of Bihar , through the Excise Commissioner, Govt. of Bihar, Patna.
2. The District Magistrate, Banka, District-Banka.
3. The Superintendent of Police, Banka, District- Banka.
4. The Excise Superintendent , Banka, District- Banka.
5. The Inspector cum Station House officer, Amarpur, District- Banka.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Prahalad Kumar Bhagat, Advocate

For the Respondent/s : Mr. Kumar Manish-SC5

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 15-02-2018

This writ petition has been filed for unsealing the



house of the petitioner situated in Ward No. 10/12 in the Nagar Panchayat, Amarpur and handing over possession of the same to the petitioner in connection with Amarpur P.S. Case No. 401/17 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 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 shall be unsealed and possession handed over to the petitioner on his furnishing Bank Guarantee to the satisfaction of District Magistrate, Banka 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 petitioner 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	16.02.2018
Transmission Date	

