

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.298 of 2018

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Raja Kumar @ Raja, son of Late Dina Nath Prasad, Resident of Mohalla-Sharifaganj, P.S. Malsalami, District- Patna

... .. Petitioner/s

Versus

1. The State Of Bihar through its Commissioner cum Secretary,
2. Department of Excise, Bihar at Patna
3. The District Magistrate, Patna
4. The Superintendent of Police, Excise, Patna
5. The Senior Superintendent of Police, Patna

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Abhay Kumar
For the Respondent/s : Mr. VIKASH KUMAR- SC11

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY

ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

2 09-01-2018 The Kirana shop of the petitioner situated at Mohalla-Sharifaganj, P.S. Malsalami, District- Patna has been sealed and recommended for confiscation to the District Magistrate, Patna in connection with Special Case No. 580/17 arising out of Malsalami P.S. Case No. 320/2016 under the Bihar Prohibition and Excise Act, 2016.

Seeking release of the shop in question, this writ petition has been filed and it is common ground that in various cases, similar petitions have been allowed and pending finalization of the confiscation proceedings, seized house/shop has been directed to be unsealed.



Keeping in view the aforesaid, this petition is also allowed and the shop in question, situated at Mohalla- Sharifganj, P.S. Malsalami, District-Patna shall be unsealed and possession handed over to the petitioner forthwith on his furnishing adequate Bank Guarantee to the satisfaction of the District Magistrate, Patna within a period of one week from the date of submitting the Bank Guarantee, subject to the condition that the petitioner shall not alienate or create any third party interest or deal with the shop in question in any manner so as to prejudice the right of the State in confiscation proceeding.

With the aforesaid, the petition stands disposed of.

(Rajendra Menon, CJ)

(Anil Kumar Upadhyay, J)

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