

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.993 of 2018

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Rupesh Kumar @ Rupesh Kumar Rai, son of Shyamal Kishore Rai @ Bulu Rai, resident of Village- Dumaria Khurd, P.S. Parbatta, District- Khagaria

... .. Petitioner/s

Versus

1. The State of Bihar through its Principal Secretary, Excise Department, Bihar, Patna
2. The Divisional Commissioner, Excise Department, Munger Division, Munger
3. The District Magistrate, Khagaria
4. The Superintendent of Police, Khagaria
5. The Officer-in-Charge, Parbatta, P.S. District- Khagaria

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ranjeet Kumar Singh, Advocate
For the Respondent/s :

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 16-01-2018

This writ petition has been filed for release of the house of the petitioner which has been seized and sealed in connection with Parbatta P.S. Case No. 261/2017, G.R. No. 2263/2017 due to violation of the Excise Act. The prayer made in the writ petition is to unseal the house in question and to hand over the possession of the same to the petitioner pending finalization of confiscation proceedings being Confiscation Case No. 124/2017-18 and the aforesaid criminal case.

It is common ground that in various cases, identical in nature, pending finalization of the confiscation proceedings



houses/vehicles 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 aforesaid confiscation proceedings and criminal case, the house in question be unsealed and possession handed over to the petitioner on his furnishing two sureties to the satisfaction of District Magistrate, Khagaria 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. The house in question shall be unsealed and possession handed over to the petitioner within one week from the date of furnishing of the sureties.

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

(Rajendra Menon, CJ)

P.K.P./-

(Anil Kumar Upadhyay, J)

AFR/NAFR	N.A.F.R.
CAV DATE	N.A.
Uploading Date	17.01.2018
Transmission Date	

