

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1731 of 2018

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Raja Mahto, Son of Late Fuleswar Mahto, resident of Village- Sultanpur,
Police Station- Derni, District- Saran.

.... Petitioner/s

Versus

1. The State of Bihar, through the Principal Secretary, Prohibition, Excise & Registration Department, Govt. of Bihar, Patna.
2. The Principal Secretary, Prohibition, Excise & Registration Department, Govt. of Bihar, Patna.
3. The District Magistrate, Saran at Chapra.
4. The Superintendent of Police, Saran at Chapra.
5. The Officer-in- Charge, Derni Police Station, Saran.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Satya Prakash, Advocate

For the Respondent/s : Mr. Anil Kumar Sinha, GA-1

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

**HONOURABLE MR. JUSTICE ANIL KUMAR
UPADHYAY**

ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

2 02-02-2018 Having heard learned counsel for the parties, we find that the house of the petitioner has been sealed by the police officials in connection with Confiscation Case No. 175 of 2017, arising out of Derni P.S. Case No. 14 of 2017 for violation of the Bihar Prohibition and Excise (Amendment) Act, 2016.

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



In view of the above, pending criminal case or confiscation proceedings, we direct the house in question mentioned hereinabove to be unsealed and possession handed over to the petitioner within a week, if not already auctioned, in connection with the aforementioned case on the petitioner furnishing Bank guarantee to the satisfaction of the District Magistrate, Saran, subject to the condition that the petitioner shall not alienate or deal with the house in question during the pendency of the confiscation and/or criminal case in any manner so as to create a third party interest or prejudice the right of the State in confiscation proceeding and/or criminal case.

With the aforesaid, this application is disposed of.

(Rajendra Menon, CJ)

(Anil Kumar Upadhyay, J)

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