

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.2023 of 2018

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Raj Kumar Manjhi, son of Munshi Manjhi, resident of village- Ghoghian, P.S. –
Masrakh, District- Saran.

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Excise Department,
Government of Bihar, Patna.
2. The District Magistrate-cum-Collector, Saran.
3. The Senior Superintendent of Police, Saran.
4. The S.H.O., Masrakh Police Station, District – Saran.
5. The Investigation Officer, Masrakh Police Station Case No.12/2017, Saran.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Krishna Kant Singh, Advocate

For the Respondent/s : Mr. VIKASH KUMAR- SC10

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date: 01-02-2018

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 Masrakh P.S. Case No.12/17 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 District Magistrate-cum-



Collector, Saran , on the petitioner furnishing bank guarantee to the satisfaction of the District Magistrate-cum-Collector, Saran, to ensure that the house in question mentioned hereinabove, is unsealed and possession handed over to the petitioner within a week, if not already auctioned, in connection with the aforementioned case, 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. The property of the petitioner should be unsealed within a period of one week from the date of furnishing the bank guarantee.

With the aforesaid, this application is disposed of.

(Rajendra Menon, CJ)

(Anil Kumar Upadhyay, J)

K.C.jha/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	09-02-2018
Transmission Date	

