

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6481 of 2018

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Shambhu Prasad @ Shambhu Gupta, Son of Late Shiv Ji Prasad @ Shiojee Prasad, Resident of Mohalla- Chawani, Ward No.5, P.S.- Mufassil, District- Bettiah (West Champaran)

... .. Petitioner/s

Versus

1. The State Of Bihar through The Principal Secretary, Department of Excise and Prohibition Government of Bihar, Patna
2. The District Magistrate-cum-Collector, Bettiah, West Champaran
3. The Senior Superintendent of Police, Bettiah, West Champaran
4. The Officer-in-Charge of Town Police Station, Bettiah (West Champaran)

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Pankaj Kumar Jha, Adv
For the Respondent/s : Mr. Anil Kumar Sinha -GA 1

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD

ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

2 06-04-2018 Having heard learned counsel for the parties, we find that the house of the petitioner, situated at Pragati Nagar, Ward No. 35, Bettiah Town, bearing Khata No.42, Khesra No.149/66, has been sealed vide order dated 21.03.2018 by the police officials in connection with Spl. G.R. Case No.634/18 (Arising out of Bettiah Town P.S. Case No.206 of 2018) 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.

Keeping in view the aforesaid, it is directed that pending finalization of the criminal case or confiscation proceedings, the aforesaid house of the petitioner shall be unsealed and possession handed over to the petitioner on the petitioner furnishing original title deed of the property in question and two local sureties to the satisfaction of District Magistrate-cum-Collector, Bettiah, West Champaran and further undertaking not to alienate or deal with the property in question or create a third party interest during the pendency of the confiscation proceedings and/or criminal case or prejudice the right of the State in the confiscation proceedings. The property of the petitioner should be unsealed and possession handed over to the petitioner within a period of one week from the date of furnishing the original title deed and sureties.

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

(Rajendra Menon, CJ)

(Rajeev Ranjan Prasad, J)

K.C.Jha/-

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