

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7381 of 2018

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Durga Prasad @ Durga Jaiswal, S/o Late Kaylash @ Kailash Jaiswal,
Resident of Village-Laher Chapra, P.S.-Bheldi, District-Chapra, Saran.

... .. Petitioner/s

Versus

1. The State of Bihar through the Commissioner, Excise Department, State of Bihar, Patna.
2. The Collector-Cum-District Magistrate, Chapra, Saran.
3. The Superintendent of Police, Chapra, Saran.
4. The Officer-in-Charge of Bheldi Police Station-Bheldi, Chapra, Saran.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Maheshwar Prasad, Advocate
For the Respondent/s : Mr. Vivek Prasad -GP 7

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD

ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

2 19-04-2018 This writ petition has been filed for a direction to the respondents to unseal and release the house of the petitioner situated at Laher Chapra, P.S. Bheldi, District- Chapra bearing Plot No.57, Khata No.138, purchased on 29.11.2006 through registered sale deed, which has been sealed in connection with Bheldhi P. S. Case No.216/2017 due to violation of the Bihar Prohibition and Excise Act, 2016.

It is common ground that in various cases, identical in nature, pending initiation/finalization of the confiscation proceedings and criminal case, 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



initiation/finalization of the confiscation proceedings and criminal case, the house of the petitioner in question shall be released to the petitioner on his depositing original title deed of the house in question with the District Magistrate and furnishing two local sureties to the satisfaction of the Collector-cum- District Magistrate, Chapra, Saran, and further undertaking be given that he shall not alienate or create third party interest or deal with the properties in question in any manner during the pendency of the confiscation proceedings and criminal case so as to cause adverse effect or prejudice to the rights of the State Government.

The house of the petitioner shall be released/ unsealed within one week from the date of furnishing the original title deed of the house in question and two local sureties to the satisfaction of the District Magistrate.

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

(Rajendra Menon, CJ)

Sunil/-

(Rajeev Ranjan Prasad, J)

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