

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.2935 of 2018

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1. Bimlesh Kumar, son of Late Bhuneshwar Prasad Bhaskar, Resident of Rajendra Nagar, Road No. 6/B, P.S.- Kadan Kuan, District- Patna.

.... Petitioner/s

Versus

1. The State of Bihar, through the Principal Secretary, Registration, Excise & Prohibition Department, Govt. of Bihar, Patna. null null
2. The District Magistrate- Cum- Collector, Patna.
3. The Senior Superintendent of Police, Patna.
4. The Superintendent of Police, Excise, Patna.
5. The Officer-in- Charge, Kadam Kuan P.S., Patna.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ajit Kumar

For the Respondent/s : Mr. VIVEK PRASAD -GP7

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CORAM: HONOURABLE THE CHIEF JUSTICE

And

HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date: 22-02-2018

This writ petition has been filed for unsealing the dwelling house of the petitioner and handing over possession of the same to the petitioner in connection with Kadamkuan P.S. Case No. 206/2017 which has been registered due to violation of the Excise Act. The prayer made in the writ petition is to unseal the house in question and hand over possession of the same to the petitioner during the pendency of the confiscation proceedings and criminal case.

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



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

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

(Rajendra Menon, C.J.)

(Rajeev Ranjan Prasad, J.)

Rajeev/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	27.02.2018
Transmission Date	NA

