

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6896 of 2018

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Brajesh Rai @ Brajesh Kumar Son of Kameshwar Rai Resident of Village-
Runni Saidpur, Police Station- Runni Saidpur, District- Sitamarhi.

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Excise, Prohibition & Registration Department, Government of Bihar, Patna.
2. The Collector-Cum-District Magistrate, Sitamarhi.
3. The Superintendent of Police, District- Sitamarhi.
4. The Officer-in-Charge of Runni Saidpur Police Station, District- Sitamarhi.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Uday Kumar, Advocate

For the Respondent/s : Mr. Anil Kumar Sinha -GA1

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE RAJEEV RANJAN

PRASAD

ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

2 16-04-2018 Having heard learned counsel for the parties, we find that the shop of the petitioner has been sealed vide order dated 13.12.2017 by the police officials in connection with Runni Saidpur P.S. Case No.384 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 shop 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, Sitamarhi, on the petitioner furnishing original title deed of the property in question and two local sureties to the satisfaction of the District Magistrate-cum-Collector, Sitamarhi, to ensure that the shop 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 surety bonds.

With the aforesaid, this application is disposed of.

(Rajendra Menon, CJ)

(Rajeev Ranjan Prasad, J)

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