

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11022 of 2018

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Kalawati Devi Wife of Vijay Kumar, resident of Village- Kurwaman, Police Station- Barachatti in the district of Gaya.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Excise, Government of Bihar, Patna.
2. The Principal Secretary, Excise Department, Government of Bihar, Patna.
3. The District Magistrate-cum- Collector, Gaya.
4. The Senior Superintendent of Police, Gaya.
5. The Officer-in- Charge, Magadh Medical P.S. in the district of Gaya.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Sunil Kumar, Advocate
For the Respondent/s : Mr. Anil Kr. 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 21-06-2018 Having heard learned counsel for the parties, we find that the house of the petitioner situated at Khata No.53, Plot No.10, area 1417 sq. feet situated at Mauza- Kajichak, P.S.- Magadh Medical College, Gaya, Thana No.331 has been sealed by the police officials in connection with Magadh Medical P.S. Case No.158 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 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, Gaya 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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