

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.11136 of 2018

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1. Jitendra Kumar Singh.
 2. Satyendra Prasad Singh.
 3. Kishor Kumar @ Pranjali Kumar @ Pranjali Kumar Singh. All Sons of Late Jagendra Prasad Singh, resident of Village and Post Office- Bispatti, Police Station- Alamnagar, District- Madhepura.

... .. Petitioner/s

Versus

1. The State of Bihar through the Commissioner of Excise, Patna.
2. The District Magistrate, Saharsa.
3. The Superintendent of Excise, Saharsa.
4. The Station House Officer, Saharsa Sadar Police Station, District- Saharsa.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Uday Chand Prasad, Advocate
For the Respondent/s : Mr. Kumar Manish -S.C-5

CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD

ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

2 22-06-2018 This writ petition has been filed for unsealing the Pucca house of the petitioner situated at Mohalla- Gangjala, Ramesh Jha Road, Police Station- Saharsa Sadar, District-



Saharsa and handing over possession of the same to the petitioners in connection with Saharsa Sadar P.S. Case No. 805/2017 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 petitioners 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/criminal case 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 criminal case, the aforesaid house of the petitioners shall be unsealed and possession handed over to the petitioners on their furnishing original title deed of the property in question and two local sureties to the satisfaction of District Magistrate, Saharsa 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 proceedings. The aforesaid



house in question shall be unsealed and possession handed over to the petitioners within one week from the date of furnishing of the original title deed and sureties.

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

(Rajendra Menon, CJ)

(Rajeev Ranjan Prasad, J)

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