

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.11167 of 2018

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Smt. Daya Muni Devi, aged about 45 years, W/o Sonafi Rai, Resident of Sukumarpur, P.S.- Raghapur, District- Vaishali, At present- East Nand Gola, Sirhi Ghat, P.S.- Malsalami, District- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through it's Principal Secretary, Excise Department, old Secretariat Building, Patna, Pin Code- 800015.
2. S.H.O. Malsalami Police Station, Patna.
3. A.S.I. Moid Khan, Malsalami Police Station, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Vinay Kumar, Advocate
For the Respondent/s : Mr. Vikash Kumar- SC-11

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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 house of the petitioner appertaining to Circle No. 212, Holding No. 120A/98 Part, Ward No. 35/90, Sheet No. 277, M.S. Plot No. 858 situated at Nand Gola Bari Sangat, P.S. Malsalami, District- Patna and handing over possession of the same to the



petitioner in connection with Malsalami P.S. Case No. 248/16, Spl. Case No. 4221/17 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/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 petitioner shall be unsealed and possession handed over to the petitioner on her furnishing original title deed of the property in question and two local 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 proceedings. The aforesaid house in question shall be unsealed and possession handed over



to the petitioner 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)

P.K.P./-

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