

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13637 of 2018

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Ganga Dayal Mahto, Son of Late Satya Narayan Mahto, a resident of Village-
Sutihar Nan Tola, P.S.- Derni, District- Saran.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Excise Department, Govt. of Bihar, Patna.
2. The Collector-cum-District Magistrate, Saran, Chapra.
3. The Superintendent of Police, Saran, Chapra.
4. The Excise Superintendent, Saran, Chapra.
5. The Sub Divisional Police Officer, Sonpur, Saran.
6. The Station House Officer, Derni, Saran.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Harish 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 19-07-2018 Having heard learned counsel for the parties, we find

that the dwelling house of the petitioner has been sealed by the

police officials in connection with Derni P.S. Case No. 79 of

2016 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 dwelling 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, Saran, Chapra 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)

Sunil/R.S.Sen-

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