

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.19162 of 2017

Narayan Saw, S/o Late Ram Prasad Saw, R/o Marbari Mohalla- Near to Shital temple, P.S. Lakhisarai, District- Lakhisarai.

... .. Petitioner/s

Versus

1. The State of Bihar through its Principal Secretary, Excise Department, Patna.
2. The Divisional Commissioner, Excise Department, Munger Division at Munger.
3. The District Magistrate, Lakhisarai.
4. The Superintendent of Police, Lakhisarai.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Rajesh Kumar, Advocate
For the Respondent/s : Mr. Kumar Ravish, AC to GA1

CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY

ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

2 15-01-2018 This writ petition has been filed for a direction to the respondents to unseal and release the two floor house of the petitioner, which is situated at Mauza- Mattar Khagour, Thana No.125/2, Tauzi No.1306, Khata No.68, Khesra No.204, Rakwa-129 Sq. ft, which has been sealed in connection with Confiscation case No.40/2017 arising out of Lakhisarai Excise Case No.29C2/17 (P.R. No.26 dated 01.09.2017) due to violation of the Bihar Prohibition and Excise 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 confiscation proceedings and criminal case, the aforesaid premises in question shall be released to the petitioner on his furnishing bank guarantee to the satisfaction of District Magistrate, Lakhisarai within a period of one week from the date of his furnishing the bank guarantee and further undertaking not to alienate or create third party interest or deal with the properties in question during the pendency of the confiscation proceedings and criminal case so as to cause adverse effect or prejudice to the State Government.

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

(Rajendra Menon, CJ)

(Anil Kumar Upadhyay, J)

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