

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.4491 of 2018

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Brahmdeo Prasad, son of Late Teslal Saw, Resident of Mohalla- Maharajganj,
Post Office and Police Station- Rafiganj, District- Aurangabad

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Excise Department,
Bihar, Patna
2. The District Magistrate, Aurangabad
3. The Circle Officer, Aurangabad
4. The Sub Divisional Officer, Aurangabad
5. The Superintendent of Police, Aurangabad
6. The S.D.P.O., Sadar, Aurangabad

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Shailesh Kumar Singh, Advocate
For the Respondent/s : Mr. Anil Kumar Sinha- GA1

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 13-03-2018

This writ petition has been filed for unsealing the
house of the petitioner situated at Khata No. 190, Plot No. 830,
Area 10 Decimals and handing over possession of the same to
the petitioner in connection with Excise Confiscation Case No.



278/2017, arising out of Rafiganj P.S. Case No. 129/2016 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 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 aforesaid confiscation proceedings and criminal case, the aforesaid house of the petitioner shall be unsealed and possession handed over to the petitioner on his furnishing two sureties to the satisfaction of District Magistrate, Aurangabad 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 proceeding. The aforesaid house in question shall be unsealed and possession handed over to the petitioner within one week from the date of



furnishing the sureties.

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

(Rajendra Menon, CJ)

(Rajeev Ranjan Prasad, J)

P.K.P./-

AFR/NAFR	N.A.F.R.
CAV DATE	N.A.
Uploading Date	15.03.2018
Transmission Date	

