

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5022 of 2018

- =====
1. Mukesh Mishra @ Mukesh Kumar Mishra, Son of Ram Anek Mishra, resident of Village- Beli (Vaina), Police Station- Dumra, District- Sitamarhi.
 2. Smt. Janki Devi, wife of Shiv Shankar Singh, R/M – Indra Nagar, Ward No.19, P.S. – Sitamarhi, Ditt. –Sitamarhi, at present Flat no.301. Majestik Kali apartment, Road No.3, Ashok Nagar, Patna.

.... Petitioners

Versus

1. The State of Bihar through the Principal Secretary, Registration, Excise and Prohibition Department, Government of Bihar, Patna.
2. The District Magistrate-cum- Collector, Sitamarhi, District- Sitamarhi.
3. The Superintendent of Police, Sitamarhi, District- Sitamarhi.
4. The Excise Superintendent, Sitamarhi, District- Sitamarhi.
5. The Station Head Officer, Sitamarhi Police Station, District- Sitamarhi.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Pushpendra Kumar Singh

For the Respondent/s : Mr. Kumar Manish -Sc5

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

3 17-04-2018

Re. : I.A. No. 2997/2018

Amendment in the writ petition, as prayed for, in the

I.A. No. 2997/2018 is allowed.

Smt. Janki Devi be added as petitioner no. 2.

Necessary correction be made in the cause title during course of the day.

Re. : CWJC No. 5022/2018

This writ petition has been filed for unsealing the house of the Smt. Janki Devi, petitioner No. 2 and handing over



possession of the same to the petitioner No. 2 in connection with Sitamarhi P.S. Case No. 807/2017 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 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 dwelling house of the petitioner no. 2 namely, Smt. Janki Devi, shall be unsealed and possession handed over to the petitioner no. 2 on her furnishing original title deed of the property in question and two local sureties to the satisfaction of District Magistrate, Sitamarhi 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 Smt. Janki Devi, petitioner No. 2 within one week from the date of furnishing the original title deed and sureties.

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

(Rajendra Menon, CJ)

(Rajeev Ranjan Prasad, J)

Arvind/-

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