

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.2437 of 2018

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Mahendra Manjhi, Son of Geldo Manjhi, Resident of Village- Nauwdiha,
P.S.- Khaira, District- Jamui (Bihar).

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Prohibition & Registration Department.
2. The Principal Secretary, Prohibition Excise & Registration Department, Govt. of Bihar, Patna.
3. The Excise Commissioner, Prohibition Excise & Registration Department, Govt. of Bihar, Patna.
4. The District Transport Officer, Jamui.
5. The District Magistrate-cum-Collector, Jamui.
6. The Superintendent of Excise, Jamui.
7. The Superintendent of Police, Jamui.
8. The S.H.O. Sone (Charkapather O.P.), Jamui.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Satya Prakash Parasar, Advocate
For the Respondent/s : Mr. Vivek Prasad -GP7

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 12-02-2018

This writ petition has been filed for unsealing the



dwelling house of the petitioner and handing over possession of the same to the petitioner in connection with Khaira P.S. Case No. 290/2017 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 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 shall be unsealed and possession handed over to the petitioner on his furnishing Bank Guarantee to the satisfaction of District Magistrate, Jamui 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 Bank Guarantee.

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	13.02.2018
Transmission Date	

