

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1793 of 2018

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Baidyanath Prasad Chaudhary @ Baidyanath Chaudhary @ Bhol
Chaudhary, Son of late Masadi Chaudhary, Resident of Mohalla- Mauna
Jatahi Pokhara, Police Station- Chapra Mufassil, District- Saran.

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Prohibition, Excise and Registration Department, Government of Bihar, Patna.
2. The Principal Secretary, Prohibition, Excise & Registration Department, Govt. of Bihar, Patna.
3. The District Magistrate, Saran at Chapra.
4. The Superintendent of Police, Saran at Chapra.
5. The Officer-in-Charge, Chapra Mufassil, Saran at Chapra.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Satya Prakash, Advocate

For the Respondent/s : Mr. Vivek Prasad, GP- 7

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE ANIL KUMAR

UPADHYAY

ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

2 02-02-2018

Having heard learned counsel for the parties, we find

that the house of the petitioner has been sealed by the police officials in connection with Confiscation Case No. 246 of 2017, arising out of Mafassil P.S. Case No. 373 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.



In view of the above, pending criminal case or confiscation proceedings, we direct the house in question mentioned hereinabove to be unsealed and possession handed over to the petitioner within a week, if not already auctioned, in connection with the aforementioned case on the petitioner furnishing Bank guarantee to the satisfaction of the District Magistrate, Saran at Chapra, subject to the condition that the petitioner shall not alienate or deal with the house in question during the pendency of the confiscation and/or criminal case in any manner so as to create a third party interest or prejudice the right of the State in confiscation proceeding and/or criminal case.

With the aforesaid, this application is disposed of.

(Rajendra Menon, CJ)

(Anil Kumar Upadhyay, J)

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