

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.1667 of 2018

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1. Mukesh Rai, Son of Bhola Rai, R/o Village- Muraol, P.S.- Bajpatti, District-Sitamarhi.

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Registration, Excise and Prohibition Department, Govt. of Bihar, Patna.
2. The Collector, Sitamarhi.
3. The Deputy Collector, Incharge, District Law Section, Sitamarhi.
4. The Assistant Excise Commissioner, Sitamarhi.
5. The Superintendent of Excise, Sitamarhi.
6. The Superintendent of Police, Sitamarhi.
7. The Station House Officer of Bajpatti Police Station, District- Sitamarhi.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ashok Kumar Jha, Adv.

For the Respondent/s : Mr. ANIL KR.SINHA-GA1

Mr. Kumar Ravish, Adv.

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date: 01-02-2018

Having heard learned counsel for the parties, we find that the house of the petitioner has been by the police officials in connection with Confiscation Case No.552 of 2017 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 District Magistrate-cum-Collector, Sitamarhi, on the petitioner furnishing two surety bonds to the satisfaction of the District Magistrate-cum-Collector, Sitamarhi, to ensure that the house in question mentioned hereinabove, is unsealed and possession handed over to the petitioner within a week, if not already auctioned, in connection with the aforementioned case, 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. The property of the petitioner should be unsealed within a period of one week from the date of furnishing the surety bonds.

With the aforesaid, this application is disposed of.

(Rajendra Menon, CJ)

(Anil Kumar Upadhyay, J)

K.C.jha/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	09-02-2018
Transmission Date	

