

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.4144 of 2018

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Alok Kumar, Son of Ram Kailash Thakur, Resident of Village- Khairawa,
P.S.- Sitamarhi, District- Sitamarhi.

... .. Petitioner/s

Versus

1. The State of Bihar through Secretary of the Excise Department, Bihar at Patna.
2. The Collector cum District Magistrate, Sitamarhi.
3. The Superintendent of Police, Sitamarhi.
4. The Officer In-charge of Police Station, Punaura O.P., Sitamarhi, District- Sitamarhi.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ranjeet Kumar Mishra, Advocate
For the Respondent/s : Mr. A.K. 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 : 08-03-2018

This writ petition has been filed for unsealing the shop of the petitioner and handing over possession of the same to the petitioner in connection with Sitamarhi P.S. Case No. 254/2017 which has been registered due to violation of the



Excise Act. The prayer made in the writ petition is to unseal the shop 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 confiscation proceedings and aforesaid criminal case, the aforesaid shop in question of the petitioner shall be unsealed and possession handed over to the petitioner on his furnishing two sureties to the satisfaction of District Magistrate, Sitamarhi and further undertaking not to alienate or deal with the shop 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 shop 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	13.03.2018
Transmission Date	

