

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6234 of 2018

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Ganga Vishun Jamadar, son of Sohaban Jamadar, resident of Village- Arai,
Benipur, P.S.- Daniyawawa, District- Patna.

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Excise and Prohibition Department, Government of Bihar, Patna.
2. The Principal Secretary, Registration, Excise and Prohibition Department, Government of Bihar, Patna.
3. The District Magistrate cum Collector, Patna.
4. The Senior Superintendent of Police, Patna.
5. The Superintendent of Police, Patna.
6. The Officer in Charge, Daniyawawa Police Station, Daniyawawa, Patna.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Samir Kumar, 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 ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

2 09-04-2018

Having heard learned counsel for the parties, we find

that the house of the petitioner has been sealed vide order dated 5.11.2017 by the police officials in connection with Daniyawawa P.S. Case No.140 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, Patna , on the petitioner furnishing original title deed of the property in question and two local sureties to the satisfaction of the District Magistrate-cum-Collector, Patna, 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)

(Rajeev Ranjan Prasad, J)

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