

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8703 of 2018

=====

1. Surendra Chaudhary Son of Vishwanath Chaudhary resident of Village - Mubarakpur (Bagahi), Molnapur Gola, P.S. - Manjhi, District - Saran at Chapra.

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Registration, Excise and Prohibition Department, Government of Bihar, Patna.
2. The District Magistrate-cum-Collector, Saran at Chapra.
3. The Assistant Excise Commissioner, Saran at Chapra.
4. The Superintendent of Excise, Saran at Chapra.
5. The Superintendent of Police, Saran at Chapra.

.... Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Dewendra Narayan Singh

For the Respondent/s : Mr. Vivek Prasad- Gp7

=====

CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD

ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

2 17-05-2018 This writ petition has been filed for unsealing the dwelling house of the petitioner i.e. Khata No.251, Tauzi No.828, Thana No.50 and Survey No.1161 at Village-Bagahi, Pragana Bal under police station Manjhi and handing over possession of the same to the petitioner in connection with Manjhi P.S. Case No. 290/2016 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/criminal case 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 original title deed of the property in question and two local sureties to the satisfaction of District Magistrate, Saran at Chapra 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 proceedings. The aforesaid house in question shall be unsealed and possession handed over to the petitioner within one week from the date of furnishing the original title deed and sureties.

With the aforesaid, the writ petition stands allowed and disposed of.

(Rajendra Menon, CJ)

(Rajeev Ranjan Prasad, J)

Arvind/-

U			
---	--	--	--

