

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10003 of 2018

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Upendra Yadav, S/o Adhikalal Yadav, Resident of Village - Ward No. 23,
Bhirkhi, P.S. Madhepura, District - Madhepura.

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Department of Excise and Prohibition, Govt. of Bihar, Patna.
2. The District Magistrate, Madhepura.
3. The Senior Superintendent of Police, Madhepura.
4. The Office-in-Charge of Excise Department, Madhepura.

... .. Respondent/s

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Appearance :

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

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD

ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

2 21-06-2018

This writ petition has been filed for a direction to the respondents to unseal and release the sealed shop of the petitioner namely “Shandar Pan Bhandar” located in the plot No.4, Madhepura, area of 60 Square ft in the premises of North East Railway near Madhepura Railway Station, which has been sealed in connection with Madhepura P. S. Case No.615 of 2017 due to violation of the Bihar Prohibition and Excise Act, 2016.

It is common ground that in various cases, identical in nature, pending initiation/finalization of the confiscation proceedings and criminal case, 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 initiation/finalization of the confiscation proceedings and criminal case, the shop of the petitioner in question shall be released to the petitioner on his furnishing two local sureties to the satisfaction of District Magistrate, Madhepura, and further undertaking be given that he shall not alienate or create third party interest or deal with the properties in question in any manner during the pendency of the confiscation proceedings and criminal case so as to cause adverse effect or prejudice to the rights of the State Government.

The shop of the petitioner shall be released/ unsealed within one week from the date of furnishing the two local sureties to the satisfaction of the District Magistrate.

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

(Rajendra Menon, CJ)

(Rajeev Ranjan Prasad, J)

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