

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9904 of 2018

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Mahanand Yadav, son of Late Yukti Lal Yadav, resident of Village- Charwe
Ward No. 05, P.S. Chhatapur (Rajeshwari O.P.), District- Supaul

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Excise,
Government of Bihar, Patna
2. The District Magistrate, Supaul
3. The Superintendent of Police, Supaul
4. The S.H.O. of Chhatapur Police Station, District- Supaul

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Dinesh Choudhary, Advocate
		Mr. Prafull Chandra Thakur, 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 18-05-2018 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 Triveniganj Chhatapur P.S. Case No. 66/18 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/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 shop in question 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, Supaul 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 proceedings. The aforesaid shop 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)

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