

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13826 of 2018

=====

Asha Devi @ Asha Singh, wife of Gajendra Prasad Singh @ Gajendra Singh,
Resident of Village-Mukundpur Bhat Khas Patti, P.S.- Jandaha, District-
Vaishali.

... .. Petitioner/s

Versus

- 1.The State of Bihar, through the Principal Secretary, Excise Department,
Govt, of Bihar, Patna.
- 2.The Collector-cum-District Magistrate, Vaishali.
- 3.The Superintendent of Police, Vaishali
- 4.The S.H.O, Jandaha Police Station, Jandaha, District- Vaishali.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s	:	Mr. Yogendra Kumar Singh, Advocate
For the Respondent/s	:	Mr. Anil Kumar Sinha - GA-1

=====

CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD

ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

2 20-07-2018 Having heard learned counsel for the parties, we find

that the residential house situated over the land of the petitioner
bearing Khata No. 173, Plot No. 1125 has been sealed by the
police officials in connection with Jandaha P.S. Case No. 165 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.



Keeping in view the aforesaid, it is directed that pending finalization of the criminal case or confiscation proceedings, the aforesaid residential house situated over the land of the petitioner bearing Khata No. 173, Plot No. 1125 shall be unsealed and possession handed over to the petitioner on the petitioner furnishing original title deed of the property in question and two local sureties to the satisfaction of District Magistrate-cum-Collector, Vaishali and further undertaking not to alienate or deal with the property in question or create a third party interest during the pendency of the confiscation proceedings and/or criminal case or prejudice the right of the State in the confiscation proceedings. The property of the petitioner should be unsealed and possession handed over to the petitioner within a period of one week from the date of furnishing the original title deed and sureties.

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

(Rajendra Menon, CJ)

(Rajeev Ranjan Prasad, J)

Sunil/R.S.Sen-

U			
---	--	--	--

