

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15707 of 2018

Sudama Mahto, son of late Sukhdev Mahto, resident of village, Sona Pipar,
P.S. Pachrukhi, District, Siwan, at present residing at A-81, Mansaram Park,
P.S. Uttamnagar, West Delhi, PIN-110059 Petitioner/s

Versus

1. The State Of Bihar through the Principal Secretary, Department of
Excise, Govt. of Bihar, Patna
 2. The District Magistrate, Siwan
 3. The Superintendent of Police, Siwan
 4. The Officer in Charge, Pachukhi, Police Station, District, Siwan
- .. Respondents

Appearance :

For the Petitioner/s : Mr. Bijay Prakash Singh, Advocate

For the Respondent/s : A.C. to G.P. 7

CORAM: HONOURABLE THE ACTING CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE S. KUMAR

ORAL JUDGMENT

(Per: HONOURABLE THE ACTING CHIEF JUSTICE)

Date : 09-08-2018

Having heard learned counsel for the parties, we find that the House of the petitioner has been sealed, by the police officials in connection with Pachrukhi Police Station Case No. 182 of 2017 for violation of the Bihar Prohibition and Excise (Amendment) Act, 2016 as 8 liters 250 ml foreign liquor was recovered from the house of the petitioner.

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 property of the petitioner 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, Siwan 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.

(Dr. Ravi Ranjan, ACJ)

(S. Kumar, J)

Sanjay/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	16.08.2018
Transmission Date	NA

