

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7420 of 2018

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Arun Sah, son of Kanjaiya Sah @ Kanhaiya Prasad, resident of Village-
Paigambarpur Pokhra, Police Station- Baniyapur, District- Saran at Chapra
... .. Petitioner/s

Versus

1. The State Of Bihar through the Secretary, Department of Excise,
Government of Bihar, New Secretariat, Patna
 2. The Director General of Police, Patna
 3. The Collector-Cum-District Magistrate, Saran, Saran at Chapra
 4. The Superintendent of Police, Saran, Saran at Chapra
 5. The Deputy Superintendent of Police, Chapra, District- Saran
 6. The Officer-In-Charge, Baniyapur Police Station, District- Saran
 7. The Excise Inspector, Baniyapur, Chapra, District- Saran
- Respondent/s

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Appearance :

For the Petitioner/s : Mr. Narendra Kumar, Advocate
For the Respondent/s : Mr. Vikash Kumar -Sc11

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CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

2 18-04-2018 Having heard learned counsel for the parties, we find

that the house-cum-shop of the petitioner has been sealed vide

order dated 20.12.2017 by the police officials in connection with

Baniyapur P.S. Case No.344 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 house in question and the shop of the petitioner be unsealed and possession handed over to the petitioner on being satisfied that the petitioner is the owner of the same and on original title deed being deposited by the petitioner and two local sureties to the satisfaction of District Magistrate-cum-Collector, Saran, Saran at Chapra 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)

K.C.Jha/-

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