

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.9601 of 2018

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Mahendra Harijan, son of Late Batan Harijan, R/o – Vilalge – Garhel, P.S. –
amarpur, District - Banka

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Excise and Prohibition Govt. of Bihar, Patna.
2. The Collector cum District Magistrate, Banka
3. The Superintendent of Police, Banka
4. The Officer Incharge, Amarapur, Banka.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Dhananjay Kumar Pandey

For the Respondent/s : Mr. Anil kr. Sinha- GA1

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CORAM: HONOURABLE THE CHIEF JUSTICE

And

HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date: 17-05-2018

This writ petition has been filed for unsealing the residential house of the petitioner and handing over possession of the same to the petitioner in connection with amarapur P.S. Case No. 177/2017 which has been registered due to violation of the Excise Act. The prayer made in the writ petition is to unseal the house in question and hand over possession of the same 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 residential house 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, Banka and further undertaking not to alienate or deal with the house 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 house 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)

Rajeev/-

AFR/NAFR	
CAV DATE	
Uploading Date	21.05.2018
Transmission Date	

