

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13683 of 2018

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Rajendra Rai, Son of Late Gani Rai, Resident of Village-Alampur Jethuli,
Kachi Dargah, P.S.-Nadi, District-Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through it's Principal Secretary, Excise Department,
Government of Bihar, old Secretariat Building, Patna, PIn Code-800015.
2. District Magistrate, Patna.
3. S.H.O. Nadi Police Station, District-Patna.
4. S.I. Vijay Kumar Singh, Nadi Police Station, District-Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ram Swarup Prasad, 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 23-07-2018 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 Nadi P.S. Case No. 108 of 2017,
Spl. Case No. 8245 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 house 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, Patna 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/Uma/-

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