

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.9935 of 2018

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Dinesh Mahto @ Bulla Mahto, son of Late Ram Saran Mahto, resident of
Village- Gajadharchak, Jhakari Mahadeo, Police Station- Danapur, District-
Patna

... .. 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, Patna, District- Patna
4. The Senior Superintendent of Police, Patna
5. The Deputy Superintendent of Police, Danapur, District- Patna
6. The Officer-in-Charge, Danapur Police Station, District- Patna

... .. Respondent/s

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Appearance :

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

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD

ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

2 17-05-2018 Office objection ignored.

This writ petition has been filed for unsealing the
house and premises of the petitioner and handing over



possession of the same to the petitioner in connection with Danapur P.S. Case No. 329/2017 which has been registered due to violation of the Excise Act. The prayer made in the writ petition is to unseal the house and premises in question and hand over possession of the same to the petitioner 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 house and premises 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, Patna and further undertaking not to alienate or deal with the house and premises 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 and premises 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)

P.K.P./-

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