

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13916 of 2018

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Binod Paswan Son of Surya Mukhi Paswan resident of Village - Batawan
Tole Bigha, P.S. - Jamhor, District - Aurangabad (Bihar).

... .. Petitioner/s

Versus

1. The State of Bihar through the Secretary, Department of Excise Government of Bihar, Patna.
2. The District Magistrate, Aurangabad.
3. The Superintendent of Police, Aurangabad.
4. The Officer In Charge, Jamhore Police Station, District Aurangabad.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Leelawati Kumari
For the Respondent/s : Mr. Vivek Prasad- Gp7

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

(Per: HONOURABLE THE CHIEF JUSTICE)

2 30-07-2018 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 Jamhore P. S. Case No. 123 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 two sureties to the satisfaction of District Magistrate-cum-Collector, Aurangabad 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 of the two sureties.

With the aforesaid, this writ petition stands allowed and disposed of.

(Rajendra Menon, CJ)

(Rajeev Ranjan Prasad, J)

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