

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7218 of 2018

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1. Chandeshwar Rai
2. Maheshwar Rai Both sons of Late Gudar Rai Both residents of Village - Pachgachhiya, P.S. Gaighat, District Muzaaffarpur.

.... Petitioner/s

Versus

1. The State of Bihar through Excise Commissioner, Government of Bihar, Patna.
2. The District Magistrate, Muzaaffarpur.
3. The Police Inspector Excise, Katra Anchal, Muzaaffarpur.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Nachiketa Jha
For the Respondent/s : Mr. Anil Kumar Sinha -Ga1

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

ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

3 17-05-2018 Having heard learned counsel for the parties, we find that the house as well as land bearing Khata No. 71, Khesra No. 3199 and 3200, Area 33 decimal and 6 decimal respectively and Khata No. 240, Khesra No. 3186, Area 41 Decimal of the petitioners has been sealed by the police officials in connection with Excise Case No. 313 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 petitioners shall be unsealed and possession handed over to the petitioners on the petitioner furnishing original title deed of the property in question and two local sureties to the satisfaction of District Magistrate-cum-Collector, Muzaffarpur 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 petitioners should be unsealed and possession handed over to the petitioners 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)

A.K.V./-

(Rajeev Ranjan Prasad, J)

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