

**IN THE HIGH COURT OF JUDICATURE AT PATNA**

**Civil Writ Jurisdiction Case No.9629 of 2018**

=====

1. Naresh Chaudhary, S/o Marai Chaudhary, R/o Village- Rouza, P.S.- Khaira (Nagra), District- Saran at Chhapra

.... .... Petitioner/s

Versus

1. The State of Bihar through District Magistrate, Saran at Chhapra  
2. The Superintendent of Police, Saran at Chhapra  
3. The Excise Superintendent, Saran at Chhapra  
4. The Excise Inspector, Excise, Saran at Chhapra  
5. The Police Inspector-cum- SHO, Khaira (Nagra) Police Station, Saran at Chhapra.

.... .... Respondent/s

=====

**Appearance :**

For the Petitioner/s : Mr. Yashraj Bardhan

For the Respondent/s : Mr. VIVEK PRASAD- GP7

=====

**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 dwelling house of the petitioner and handing over possession of the same to the petitioner in connection with Khaira (Nagra) P.S. Case No. 131 of 2016 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 dwelling 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, Saran at Chapra 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 |            |

