

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Writ Jurisdiction Case No.1269 of 2018**

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1. Phulmati Devi, wife of Tuntun Bind, resident of Village/ Mohalla-  
Banrasia Tola, Ward No. 4, Sasaram, P.S.- Sasaram (Muffasil), District-  
Rohtas.

.... .... Petitioner/s

Versus

1. The State of Bihar, through the Principal Secretary Department of Excise,  
Government of Bihar, Patna.
2. District Magistrate, Rohtas at Sasaram.
3. The Superintendent of Police, Rohtas.
4. The S.H.O., P.S.- Sasaram Muffasil, District- Rohtas.

.... .... Respondent/s

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**Appearance :**

For the Petitioner/s : Mr. Binod Kumar Singh

For the Respondent/s : Mr. Kumar Manish (Sc 5)

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**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN**  
**PRASAD**  
**ORAL ORDER**

2      04-05-2018                      Heard the learned counsel for the petitioner and the  
  
State.

Learned counsel for the petitioner submits that the  
residential house of the petitioner has been sealed on the allegation  
that about two litres of Mahua wine was recovered from the house  
of the petitioner. It is also alleged that during course of raid in the  
village, PASE of Mahua Jaggery was also recovered from some of  
the houses.

It is the submission of the learned counsel for the  
petitioner that even though there is allegation of recovery of  
Mahua wine but from the seizure-list it will appear that the house



of the petitioner was not searched and only houses of Saroj Bind, Mantu Bind and Chandrawati Devi were searched and from their respective houses 3 litres, 2 litres and 2 litres country made Mahua wine were recovered. So far as the petitioner is concerned, nothing has been recovered from the house of the petitioner. It is her submission that this is the only residential premises in which the family of the petitioner is residing.

Considering the facts and circumstances of the case that it is a residential house of the petitioner and the confiscation proceeding has still not been finalized, let there be a provisional release/desealing of the house of the petitioner within one week from the date of production or submission of the two surety bonds to the satisfaction of the District Magistrate, Rohtas at Sasaram, subject to the further conditions:-

(i) The petitioner shall also give an undertaking that he will not deal with the house in question and shall not alienate or encumber the same creating any kind of adverse interest against the interest of the State; he will not use the house for any illegal purpose.

(ii) At the time of release, the concerned authority/court shall get prepared a photograph duly certified in presence of the petitioner and Panchnama of the house in question



shall also be prepared and the same be kept on record which may be used as secondary evidence.

(iii) The petitioner undertakes not to challenge the photograph and Panchnama so prepared in his presence at the time of desealing of the house in question for use in course of trial or the confiscation proceeding, as the case may be.

The application stands disposed of.

**(Rajeev Ranjan Prasad, J.)**

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