

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.1368 of 2018

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Akhilesh Bind S/o Deep Chand Bind, R/o Vill./Mohalla- Banrasia Ward
No. 4, Sasaram, P.S.- Sasaram (Muffasil), District- Rohtas.

.... Petitioner

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.

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Binod Kumar Singh

For the Respondent/s : Mr. Vivek Prasad (Gp-7)

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2. 24-07-2018

Heard learned counsel for the petitioner and learned
counsel for the State.

This application has been filed for directing the
respondent authorities to de-seal/unlock the four brick pucca room
i.e. residential house of the petitioner situated in village/Mohalla
– Banrasia, Ward No. 4, towards west of Sasaram – Beda –
Darshanadih Path, under R.S. Plot No. 60, Chak Plot No. 38, and
an area of 7 decimals within Sasaram Anchal, District – Rohtas in
connection with Sasaram (M) P.S. Case No. 82 of 2017 under
Section 30(a), 38(1)(2), 41(1)(2), of Bihar Excise and Prohibition
Act, 2016.

Learned counsel for the petitioner submits that in
course of search of several houses in the village certain recoveries



were made only from the house of Saroj Kumar, son of Kedar Bind, Mantu Bind and Chandrawati Devi but the concerned authority had sealed the house of the petitioner along with others from whose house nothing has been recovered. It is submitted that some similarly situated case this court has already granted de-sealing/release of the house. Learned counsel for the State is present.

Learned counsel for the State is present.

In the facts and circumstances, pending finalization of the confiscation proceeding, let the aforesaid rooms (four brick pucca room i.e. residential house) of the petitioner be de-sealed/released provisionally within a week on production of document of title in respect of the house in question and the petitioner furnishes a surety bond of Rs. 10,00,000/- (Ten Lakhs) (not in form of bank guarantee or cash) with two sureties of the like amount to the satisfaction of District Magistrate, Rohtas at Sasaram/authority concerned.

The District Magistrate, Rohtas at Sasaram shall get prepared a photograph duly certified and a Panchnama of the rooms in sealed condition before de-sealing of the same and the same will be kept on the record. The petitioner undertakes not to challenge the said photograph and Panchanama in course of trial



or the confiscation proceeding, as the case may be. The petitioner shall also give an undertaking that he will not deal with the rooms in question in favour of any third party or create any interest adverse to the interest of the State without permission of the authority concerned/Court and shall not allow any illegal act to be committed in the rooms in question. The petitioner shall also give an undertaking that if any room is rented out he will get done prior police verification of the said person before handing over the possession of the rooms in question.

The application stands disposed of.

(Rajeev Ranjan Prasad, J.)

Rajeev/-

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