

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.235 of 2018

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1. Jawahar Paswan, S/o Late Kusheshwar Das, resident of Mohalla-Kalambag (Niteshwar Marg), P.S. Kazimohammadpur, District Muzaffarpur.

.... Petitioner/s

Versus

1. The State of Bihar Through Its Chief Secretary Old Secretariat, Patna.
2. The Principal Secretary, Department of Excise, Bihar, Patna.
3. The Principal Secretary Home Police, Bihar, Patna.
4. The District Collector, Muzaffarpur, District- Muzaffarpur.
5. The Superintendent Excise, Muzaffarpur.
6. Sub Inspector Excise, Prahar Bal -1, Muzaffarpur.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Nitu Kumari

For the Respondent/s : Mr. Vikash Kumar (SC Xi)

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 29-03-2018 Heard learned counsel for the petitioner and learned counsel representing the State.

Petitioner in the present case has prayed for de-sealing of the Pan Gumti Shop (Betel Shop) situated at Mohalla-Kalambagh, Niteshwar Marg, Muzaffarpur, which has been sealed in connection with Excise Case No.224/16 (PR-03/2016-17), District-Muzaffarur for the offence under Sections 47(a), 54 and 57 of the Bihar Prohibition and Excise Act, 2016.

Learned counsel for the petitioner submits that for the purpose of de-sealing of the shop in question provisionally, petitioner is ready and willing to abide by the terms and conditions which may be imposed by this Court.



Considering the facts and circumstances, pending initiation or finalization of the confiscation proceeding, let the shop of the petitioner be de-sealed provisionally on the petitioner furnishing a surety bond of Rs.5,00,000/- (five lacs) (not in form of bank guarantee or cash) with two sureties of the like amount to the satisfaction of District Magistrate, Muzaffarpur/authority concerned.

The District Magistrate, Muzaffarpur shall get prepared a photograph duly certified and a Panchnama of the shop 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 shop 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 shop in question.

The application stands disposed of.

Arvind/-

(Rajeev Ranjan Prasad, J)

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