

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.2677 of 2017

=====

Subhash Singh, son of Late Ram Jatan Singh, resident of village – Dhorlahi
Kaaithal (Narapar), P.S. – Amnour, District – Saran.

.... Petitioner

Versus

1. The State of Bihar
2. The Commissioner, Excise saran Division at Chapra
3. The District Magistrate, Saran
4. The Superintendent of Police, Saran at Chapra

.... Respondents

=====

Appearance :

For the Petitioner/s : Mr. Gajendra Kumar Singh

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

=====

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2. 16-01-2018

Heard learned counsel for the petitioner and

learned counsel representing the State.

The petitioner is seeking unlocking/de-sealing of his house in question which has been sealed pursuant to lodging of Amnour P.S. Case No. 39 of 2017 instituted under Section 30/38 of the Bihar Prohibition of Excise Act, 2016.

Learned counsel for the petitioner submits that at present no confiscation proceeding has been initiated. He however submits that the power of District Magistrate-cum-Collector to initiate a confiscation proceeding is itself a subject matter of consideration in L.P.A. No. 1647/2015. Learned counsel for the petitioner



prays for a provisional release of residential house subject to the terms and conditions which will be imposed by this Court.

Learned counsel representing the State is present.

In the facts and circumstances, let the residential house in question, as per description given in paragraph-4 of the application, be provisionally unlocked/de-sealed and the possession thereof be handed over to the petitioner on showing his document of title and submission of surety bond (not in form of cash or Bank guarantee) of Rs. 10,00,000/- (Rupees Ten Lakhs only) with two sureties of the like amount each to the satisfaction of learned Court below or the Collector-cum-District Magistrate, Saran, as the case may be.

The petitioner undertakes not to alienate or encumber the house in question in any manner whatsoever without permission of the court/authority concerned. The petitioner shall also give an undertaking that if any portion of the house is rented out he will get done the prior police verification of the said person before handing over the possession of any part of the house.



Before de-sealing/unsealing/release of the residential house a photograph of the house in sealed condition duly certified in presence of the petitioner and Panchnama shall be prepared and be kept on record.

The house shall be de-sealed/un-sealed/released within two days from the date of submission of a certified copy of this order along with the surety bond to the satisfaction of the court below/authority concerned.

(Rajeev Ranjan Prasad, J.)

Rajeev/-

U		T	
---	--	---	--

