

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.774 of 2018

=====

Om Prakash Ray, Son of Dharmnath Ray, resident of Dahiyawan Tola, P.S.-
Town, District- Saran.

.... Petitioner/s

Versus

1. The State of Bihar Through The Principal Secretary, Excise Department,
Government of Bihar, Patna.
2. The Collector-cum-District Magistrate, Saran, Chapra.
3. The Senior Deputy Collector, Saran, Chapra.
4. The Superintendent of Police, Saran, Chapra.
5. The Excise Superintendent, Saran, Chapra.
6. The Sub-Divisional Police Officer, Chapra, Saran.
7. The Station House Officer, Town, Chapra, Saran.
8. The Circle Officer, Marhowrah, Saran.

.... Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Harish Kumar

For the Respondent/s : Mr. Vikash Kumar (SC11)

=====

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN
PRASAD
ORAL ORDER

2 27-04-2018 Heard learned counsel for the petitioner and learned
counsel representing the State.

Petitioner in the present case has prayed for de-
sealing of his dwelling house situated at Municipal Chowk, P.S.-
Town, District-Saran, which has been sealed in connection with
Chapra Town P.S. Case No.263/17, District-Saran at Chapra for
the offence under Section 30(A) of the Bihar Prohibition and
Excise Act, 2016.

Learned counsel for the petitioner submits that for
the purpose of de-sealing of the house 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 dwelling house of the petitioner be de-sealed provisionally on the petitioner furnishing a surety bond (not in form of bank guarantee or cash) with two sureties to the satisfaction of District Magistrate, Saran at Chapra/authority concerned within one week.

The District Magistrate, Saran at Chapra shall get prepared a photograph duly certified and a Panchnama of the house 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 house 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 house in question and shall not allow any tenant to occupy the house in question without there being a prior verification of the tenant.



The application stands disposed of.

(Rajeev Ranjan Prasad, J)

Arvind/-

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

