

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17028 of 2018

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Dhrupnarayan Pandey @ Dhruv narayan Pandey S/o- Late Ramadhar Pandey,
Resident of Village- Pachrukhi Tola Mathiya, P.S.- Pachrukhi, District Siwan.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Excise, Government of Bihar, Patna.
2. The Principal Secretary, Excise, Government of Bihar, Patna.
3. The District Magistrate, Siwan.
4. The Superintendent of Police, Siwan.
5. The Excise Superintendent, Department of Excise, Siwan.
6. The S.H.O. of P.S.- Pachrukhi, District- Siwan.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ajay Kumar Pandey, Advocate
For the Respondent/s : Mr. Anil Kumar Sinha -GA1

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN
and
HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

(Per: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD)

2 03-12-2018 Heard learned counsel for the petitioner and learned
counsel representing the State.

This application has been filed for a Mandamus directing the State respondents to release/unseal the House of the petitioner addressing- '101', Pachrukhi, Village- Pachrukhi, Anchal- Pachrukhi, District- Siwan seized in connection with Pachrukhi P. S. Case No. 266 of 2017 dated 23.11.2017 registered under Sections 30(a) 37(b) of Bihar Prohibition & Excise Act, 2016.

Learned counsel for the petitioner submits that as per



the allegations, 3 liters of illicit liquor have been recovered from the House. It is submitted that the confiscation proceeding for the property in question is pending.

Learned counsel for the State is present.

Considering the facts and circumstances of the case where it is said to be a residential house under seizure for last one year and the petitioner is ready to furnish adequate security to safeguard the interest of the State, following the consistent views of the Division Bench of this Court, we direct that pending finalization of confiscation proceeding pursuant to Pachrukhi P. S. Case No. 266 of 2017 dated 23.11.2017, the House of the petitioner be provisionally de-sealed and possession be handed over to the petitioner on the petitioner's depositing the original title deed of the property in question as security with one surety to the extent of value of the property as per the circle rate with the District Magistrate, Siwan. On submission of the original title deed of the property in question with the surety, the House shall be de-sealed and possession be handed over within one week thereof. The title deed deposited by the petitioner shall be kept in safe custody of the Confiscating Authority.

The owner of the property shall undertake that during



the pendency of the confiscation proceeding he will not deal with the property in question and shall not create any third party interest whatsoever.

The application is allowed to the extent as stated hereinabove.

(Jyoti Saran, J)

(Rajeev Ranjan Prasad, J)

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