

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.1025 of 2018

Arising Out of PS. Case No.-129 Year-2017 Thana- BANIAPUR District- Saran

Mukul Srivastava @ Kundan Kumar Verma, S/o Late Krishna Kumar Verma,
a Resident of Village-Bhushawan, P.S.-Baniapur, Behind Power House, P.S.-
Bhagwan Bazar, District-Saran.

... .. Petitioner/s

Versus

1. The State of Bihar Through The Principal Secretary, Govt. of Bihar, Patna.
2. The Collector-Cum-District Magistrate, Saran, Chapra.
3. The Superintendent of Police, Saran, Chapra,
4. The Excise Superintendent, Saran, Chapra.
5. The Sub-Divisional Police Officer, Chapra, Saran.
6. The Station House Officer, Baniyapur, Saran.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Harish Kumar
For the Respondent/s	:	Mr. Kumar Manish (Sc-5)

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 24-09-2018 Petitioner is seeking release of his house sealed/attached by the police officer while lodging the case being Baniyapur P.S. Case No. 129 of 2017 registered under Sections 272, 273 of the Indian Penal Code and Section 30(a) of Bihar Prohibition and Excise Act, 2016.

Learned counsel for the petitioner has drawn the attention of this Court towards the statements made in the written statement of the S.I., Jwala Kumar Singh who has lodged the first information report on his self statement. It is stated in the written statement itself that this petitioner and his family is not living in the house, therefore, the miscreants are storing the illicit liquor in the house of this petitioner.



Learned counsel submits that the petitioner and his family are not living in the house at the relevant time when the miscreants in the village used the premises allegedly for storing the illicit liquor, therefore, innocence of the petitioner reflected from the FIR itself.

Learned counsel for the State is present.

Considering the facts and circumstances of the case wherein it is apparent from the FIR itself that the petitioner and his family were not living in the house in question, this Court would direct release of the house within one week from the date of submission of the petitioner title deed of the property in the court below. The title deed deposited by the petitioner shall be kept in the safe custody. This Court has been informed that no confiscation proceeding has been initiated till date, therefore, it will be the court below where the surety bond, the title deed will be submitted and the court below shall direct the de-sealing and handing over possession of the house within a week from the date of submission of the surety.

This application stands disposed off.

(Rajeev Ranjan Prasad, J)

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