

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.2207 of 2017

Arising Out of PS.Case No. -null Year- null Thana -null District- JAMUI

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Santosh Kumar S/o Rami Saw resident of Chakai Bazar, P.S. Chakai District Jamui.
..... Petitioner

Versus

1. The State of Bihar through Principal Secretary of Excise, Govt. of Bihar at Patna.
2. The District Magistrate, Jamui.
3. The Superintendent of Excise District Jamui.
4. The Superintendent of Police, Jamui.
5. The S.H.O. Chakai.

..... Respondents

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Appearance :

For the Petitioner/s : Mr. Satya Prakash Parasar
For the Respondent/s : Mr. Vivek Prasad, GP-7

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL JUDGMENT
Date: 26-04-2018

Heard learned counsel for the petitioner and learned
counsel representing the State.

Petitioner in the present case has prayed for de-
sealing of the shop which is situated under Mauza Chakai Bazar,
which has been sealed in connection with Chakai P.S. Case No.
98/2017 for the offence under Sections 273/34 of the Indian Penal
Code and 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 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
finalization of the confiscation proceeding, let the shop of the
petitioner be de-sealed provisionally on production of document of



title in respect of the shop in question on furnishing bank guarantee or original title deed of the property in question to the satisfaction of District Magistrate, Jamui.

The District Magistrate, Jamui 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 she 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 house in question. The petitioner shall also give an undertaking that if the shop in question is rented out he will get done prior police verification of the said person before handing over the possession of the shop.

The application stands disposed of.

(Rajeev Ranjan Prasad, J.)

Rajeev/-

AFR/NAFR	
CAV DATE	
Uploading Date	28.04.2018
Transmission Date	28.04.2018

