

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.24 of 2018

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SUMAN DIVE @ SUMAN DEVI W/o Jai Kant Rai, R/o Mohalla-Baglodan Gali, P.S.- Chowk, District- Patna.

.... Petitioner/s

Versus

1. The State of Bihar Through Principal Secretary, Department of Excise, Government of Bihar, Patna.
2. The Inspector General of India, Prosecution, Govt. of Bihar, Patna.
3. The District Collector, Patna.
4. The Senior Superintendent of Police, Patna.
5. The Officer Incharge, Chawk P.S., Patna.
6. Shambhu Bahadur Singh, Sub-Inspector, Chowk P.S., Patna.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Raj Bansh Dubey

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

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD

ORAL ORDER

2 06-02-2018 Heard learned counsel for the petitioner and learned counsel representing the State.

Present writ application has been filed for a direction to the respondent authorities to open the residential house of the petitioner which has been sealed by the respondent no.6 on 31.05.2017 in connection with Chowk P.S. Case No.213 of 2016, District-Patna for the alleged offence under Sections 30(a)(c)(d)/38/41 of the Bihar Prohibition and Excise Act, 2016. It is alleged that 90 liters of illicit liquor have been recovered from the house in question.

Learned counsel further submits that presently confiscation proceeding has not been initiated. He further submits



that the petitioner is ready and willing to abide by the terms and conditions which may be imposed by this Court for the purpose of de-sealing of the house in question.

In the facts and circumstances, by way of ad interim release, let the house in question be de-sealed in favour of the petitioner on production of document of title in respect of the house in question and the petitioner furnishes a surety bond of Rs.5,00,000/- (five lacs) in form of bank guarantee or by deposit of title deeds of immovable property lying within the jurisdiction of the concerned authority/court or any other security of like nature to the satisfaction of the concerned authority/court subject to the condition that petitioner undertakes not to 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 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 any portion of the shop is rented out she will get done prior police verification of the said person before handing over the possession of any part of the house.

The application stands disposed of.

Arvind/-

(Rajeev Ranjan Prasad, J)

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