

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.145 of 2018

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1. Lal Babu Gupta S/o Late Dashrath Prasad R/o Moh. - Dahiawan Tola,
Chapra, P.S. - Chapra Town, District Saran at Chapra.

.... Petitioner/s

Versus

1. The State of Bihar through its Principal Secretary, Excise Department.
2. The Director General of Police, Bihar, Patna.
3. The District Magistrate-cum-Collector, Saran at Chapra.
4. The Superintendent of Police, Saran at Chapra.
5. The Deputy Superintendent of Police, Saran at Chapra.
6. The Officer-In-Charge of Town Police Station, Chapra.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Nawal Kishore Singh

For the Respondent/s : Mr. Anil Kumar Sinha (Ga1)

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN
PRASAD
ORAL ORDER

2 17-02-2018 Heard learned counsel for the petitioner and learned
counsel representing the State.

Petitioner in the present case has prayed for ad interim de-sealing of the shop namely Pyasa Cold Drink situated at Dahiawan Tola near Joginia Kothi, Chapra Town, which has been seized in connection with Chapra Town P.S. Case No.564 of 2016, District-Saran at Chapra registered 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 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 confiscation proceeding, let the shop of the petitioner be provisionally de-sealed/released in his favour 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 lakhs) (not in form of bank guarantee or cash) with two sureties of the like amount to the satisfaction of court below or the authority concerned.

The concerned court/authority 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 he 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 Court and shall not allow any illegal act to be committed in the shop in question. The petitioner shall also give an undertaking that if any portion of the shop is rented out he will



get done the prior police verification of the said person before handing over the possession of any part of the shop.

The application stands disposed off.

(Rajeev Ranjan Prasad, J)

Arvind/-

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