

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Writ Jurisdiction Case No.2890 of 2017

Arising Out of PS.Case No. -125 Year- 2017 Thana - Maheshkhut District- KHAGARIA

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Shekhar Singh @ Chandra Shekhar Singh, son of Nawal Kishore Singh, R/o Vill.
Bhuna, P.S. Sangrampur, Distt. Munger

.... Petitioner/s

Versus

1. The State of Bihar through the Secretary, Department of Home, Government of Bihar, Patna
2. The Director General of Police, Patna,
3. The Deputy Inspector General, Munger,
4. The Superintendent of Police, Khagariya,
5. The Secretary, Department of Prohibition Excise and Registration, Govt. of Bihar, Patna,
6. The Deputy Superintendent of Police, Gogari, Khagariya,
7. The Officer-in-charge, Maheshkhut Police Station, Khagariya,
8. The Investigating Officer of Maheshkhut P.S. Case No. 125/2017, Khagariya.

.... Respondent/s

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Appearance:

For the Petitioner/s : Mr. Kumar Kamal Nayan, Advocate.

For the Respondent/s : Mr. Anil Kumar Sinha, GA 1.

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD

ORAL JUDGMENT

Date: 09-01-2018

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

The present application has been filed for a direction
commanding the respondent authorities to open / unseal the Dhaba of
the petitioner, namely, KHUSHI which was allegedly sealed by the
Officer-in-charge of Maheshkhut Police Station in connection with
Maheshkhut P.S. Case No. 125/2017 dated 22.09.2017 registered U/S
290 IPC and Section 30(a) of the Bihar Prohibition and Excise Act,



2016.

It is stated that the said Dhaba, namely, KHUSHI has been sealed in connection with Maheshkhut P.S. Case No. 125/2017. Learned counsel for the petitioner submits that the only allegation is that from the said Dhaba of the petitioner 10 bottles (375 ml. each) and 4 bottles (180 ml. each) of Royal Stag wine were recovered in course of the raid conducted by the police. The prayer is that the Dhaba, namely, KHUSHI in question should be unsealed / unlocked on such terms and conditions which may be imposed by this Court.

Learned counsel for the State is present.

In the facts and circumstances of the case, let the Dhaba in question, namely, KHUSHI be opened / unlocked and handed over to the petitioner subject to the terms and conditions that the petitioner is found to be the owner of the said Dhaba and the petitioner furnishes a surety bond (not in form of cash or bank guarantee) worth Rs. 3,00,000/- (Three lakhs) with two sureties of the like nature to the satisfaction of the District Magistrate, Khagariya

The District Magistrate, Khagariya shall get prepared a photograph duly certified and a Panchanama of the Dhaba in question in sealed condition before opening of the same and the same will be kept on the record.

The petitioner undertakes not to challenge the said



photograph and Panchnama 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 property in question as a whole 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 premises of the Dhaba in question.

The application stands disposed of with the directions aforesaid.

(Rajeev Ranjan Prasad, J)

Dilip, AR

AFR/NAFR	NAFR
CAV DATE	N/A
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