

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.1286 of 2018

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Tinku Bind, son of Indu Bind, resident of village/Mohalla- Banrasia Tola,
Ward No.4, Sasaram, P.S.- Sasaram (Muffasil), District- Rohtas.

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary Department of
Excise, Government of Bihar, Patna
2. District Magistrate, Rohtas at Sasaram.
3. The Superintendent of Police, Rohtas.
4. The S.H.O., P.S.- Sasaram Muffasil, District- Rohtas.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Binod Kumar Singh, Advocate

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

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN
PRASAD

ORAL ORDER

2 07-05-2018

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

It is submitted that in fact there is no recovery of
illicit liquor from the shops and house of the petitioner situated in
village/Mohalla- Banrasiya, Ward No.4 towards west of Sasaram-
Beda- Darshandih Path, under R.S. Khata No.54, Chak No.34,
within Sasaram Anchal, in the district of Rohtas. However, the
shops and the house of the petitioner has also been sealed in
connection with Sasaram (M) P.S. Case No.82 of 2017 for the
offence under Sections 30(a), 38(2), 41(1)(2) of the Bihar
Prohibition and Excise Act, 2016.

In paragraph-8 of the writ application, learned



counsel submits that in fact recoveries were made from the three houses which belonged to Chandrawati Devi, Saroj Bind and Mantu Bind, which will be apparent from the seizure list.

Learned counsel for the petitioner submits that for the purpose of de-sealing of the house 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 four shops and five pucca rooms of the residential house of the petitioner be de-sealed provisionally within a week on production of document of title in respect of the house in question and on the petitioner furnishing a surety bond to the satisfaction of District Magistrate, Rohtas at Sasaram /authority concerned.

The District Magistrate, Rohtas at Sasaram shall get prepared a photograph duly certified and a Panchnama of the house 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 shops and 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 authority concerned/Court and shall not allow any illegal act to be committed in the shop and the house in question. The petitioner shall also give an undertaking that if any portion of the house/shop is rented out he will get it done after proper police verification of the said person before handing over the possession of any part of the house/shop in question.

The application stands disposed of.

(Rajeev Ranjan Prasad, J)

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