

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15607 of 2018

Antim Lal Singh @ Prakash Singh @ Sachitanand Singh Son of Chandev
Singh Resident of Village Danwar, P.S. Kachhawan, District : Rohtas.

... .. Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Excise and Prohibition Department, Government of Bihar, Patna.
2. The District Magistrate, Rohtas.
3. The S.H.O. Kochhawan, Rohtas.

... .. Respondents

Appearance :

For the Petitioner/s : Mr.Rajesh Kumar Singh
For the Respondent/s : Mr.Kumar Manish -SC-5

CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN
and
HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

(Per: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD)

2 20-12-2018 Heard learned counsel for the petitioner and learned
counsel for the State.

This application has been filed seeking provisional release of the one room of the house (i.e. Kirana Shop) seized in connection with Kochhawan P.S. Case No. 48 of 2017 28.10.2017 registered under Sections 30(a), 34, 34(a)(b), 34(b) (i), 35 and 38 of the Bihar Prohibition & Excise Act, 2016. It has been stated that from the premises in question 375 ml. illicit liquor have been recovered. It is submitted that confiscation proceeding for the property in question is pending.

Learned counsel for the State is present.

Considering the facts and circumstances of the case



where it is said to be a Kirana shop under seizure for last one year and the petitioner is ready to furnish adequate security to safeguard the interest of the State, following the consistent views of the Division Bench of this Court, we direct that pending finalization of confiscation proceeding pursuant to Kochhawan P.S. Case No. 48 of 2017, the Kirana shop of the petitioner be provisionally de-sealed and possession be handed over to the petitioner on the petitioner's depositing the original title deed of the property in question/ property in the name of the petitioner situated within the district as security with one surety to the extent of value of the property as per the circle rate with the District Magistrate, Rohtas. On submission of the original title deed of the property in question / property in the name of the petitioner situated within the district with the surety, the House shall be de-sealed and possession be handed over within one week thereof. The title deed deposited by the petitioner shall be kept in safe custody of the Confiscating Authority.

The owner of the property shall undertake that during the pendency of the confiscation proceeding he will not deal with the property in question and shall not create any third party interest whatsoever.



The application is allowed to the extent as stated
hereinabove.

(Jyoti Saran, J)

(Rajeev Ranjan Prasad, J)

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