

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.2495 of 2018

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Chandeshwar Chaudhari Son of late Govind Chaudhari Resident of Village-
Mansa Bigha, Police Station- Makhdumpur (Tehta O.P.), District
Jehanabad.

.... Petitioner

Versus

1. The State of Bihar Through The Principal Secretary, Excise &
Prohibition Dept. Govt. of Bihar, Patna .
2. The District Magistrate, Jehanabad.
3. The Superintendent of Police, Jehanabad.
4. The S.H.O. Makhdumpur Police Station, District- Jehanabad.
5. The Incharge, Tehta O.P. Makhdumpur Police Station, District
Jehanabad.
6. The Investigating Officer , Tehta O.P, Makhdumpur Police Station,
District- Jehanabad.

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Umesh Kumar

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

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2. 02-11-2018 Heard learned counsel for the petitioner and
learned counsel representing the State.

This application has been filed for a mandamus
directing the State respondents to open the seal of door of
the house of the petitioner situated at Village Mansa Bigha,
P.S. – Makhdumpur, District – Jehanabad in connection
with Makhdumpur P.S. Case No. 123/2018 under Section
30(a) of the Bihar Prohibition & Excise Act, 2016.



Learned counsel for the petitioner submits that as per the allegations, only five liters of country made Mahua wine has been recovered from the house of the petitioner. It is submitted that the petitioner has not received any notice of confiscation proceeding for the property in question.

Learned counsel for the State is present.

Pending initiation/finalization of confiscation proceeding pursuant to Makhdumpur P.S. Case No. 123/2018, let the house of the petitioner be de-sealed and possession be handed over to the petitioner on the petitioner depositing the original title deed of the property in question as security with one surety to the extent of value of the property with the court below. On submission of the original title deed of the property in question with the surety, the house shall be de-sealed and possession be handed over within two days thereof. The title deed deposited by the petitioner shall be kept in safe custody of the court below.

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.

This application is allowed to the extent as
stated hereinabove.

Rajeev/-

(Rajeev Ranjan Prasad, J)

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