

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Writ Jurisdiction Case No.819 of 2018

Arising Out of PS.Case No. -null Year- null Thana -null District- NALANDA (BIHARSHARIFF)

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Neeru Kumari W/o Narendra Kumar @Naro , R/o Village- Bhikhani Bigha,
District- Nalanda.

.... Petitioner

Versus

1. The State of Bihar Through The Principal Secretary Excise Department, Bihar, Patna.
2. The District Collector , Nalanda at Bihar Sharif .
3. The Circle Officer Asthawa, Nalanda.
4. The Sub Inspector of Police Station- Sare, Nalanda- District.

.... Respondent

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Appearance :

For the Petitioner/s : Mr. Bindeshwar Prasad Singh

For the Respondent/s : Mr. Vivek Prasad

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD

ORAL JUDGMENT

Date: 14-05-2018

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

Learned counsel for the petitioner submits that
despite information sent to the concerned respondent no
instruction has been received so far and therefore no counter
affidavit has been filed.

Learned counsel for the petitioner submits that he is
seeking de-sealing/unsealing of the factory premises which has
been put under lock and sealed by the respondents for last about
five months. She is not seeking release of spirit. Taking this
court through the seizure list which is part of Annexure-1,



learned counsel submits that as per allegation 80 liters of spirit has been seized from the factory premises along with some machines which are normally used in packaging. It is submitted that the factory is engaged in making fancy paper plates and for that reason some machines for the purpose of packaging may have been found there. It is further pointed out that even though some more recoveries have been shown in the seizure list but those are either from the orchard situated at a distance of 80 ft. towards south and western corner of the factory or from the vehicles which were standing in front of outside the factory with which the petitioner has no concern.

Learned counsel for the State is present and submits that the petitioner was keeping spirit only with an intention to use the same for preparation of country made wine.

Considering the facts and circumstances whereunder so far as the factory premises is concerned, the recovery shown is 80 liters of raw spirit with machine used for packaging, let the factory premises of the petitioner be de-sealed/unsealed, on petitioner furnishing bank guarantee or original title deed of immovable property lying within the jurisdiction of the concerned authority or any other security of like nature, to the satisfaction of District Magistrate, Nalanda at



Biharsharif in connection with Sare P.S. Case No. 160/2017 within a period of one week from the date of submission of the bank guarantee or original title deed of immovable property lying within the jurisdiction of the concerned authority or any other security of like nature, subject to further condition that petitioner shall not transfer/alienate or otherwise deal with the factory premises in favour of a third party and create an adverse interest to the interest of the State. The petitioner shall undertake that he would not indulge in any illegal act or activity inside the factory premises in question. Before de-sealing of the factory premises, a panchnama of the same shall be prepared which will be duly certified and kept on the record for use as secondary evidence which the petitioner undertakes not to challenge in course of proceeding.

The writ application stands disposed off accordingly.

(Rajeev Ranjan Prasad, J.)

Rajeev/-

AFR/NAFR	
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