

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Writ Jurisdiction Case No.406 of 2018

Arising Out of PS.Case No. - 164 Year- 2017 Thana - Sahkund District- BHAGALPUR

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Mithun Kumar, Son of Maleshwari Singh, Resident of Village- Ghuski Tola
Kisanpur, P.S.- Sahkund, District- Bhagalpur.

.... Petitioner/s

Versus

1. The State of Bihar.
2. The Principal Secretary, Excise Department, Bihar, Patna.
3. The District Magistrate, Bhagalpur.
4. The Director General of Police, Bihar, Patna.
5. The Inspector General of Police, Bhagalpur, Bihar, Patna.
6. The Superintendent of Police, Bhagalpur, Bihar, Patna.
7. The Officer in Charge Sahkund Police Station, Bhagalpur.

.... Respondent/s

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Appearance:

For the Petitioner/s : Mr. (Advocate).
For the Respondent/s : Mr. (A.P.P.)

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD

ORAL JUDGMENT

Date: 20-04-2018

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

Petitioner has prayed for release of the house and the shop,
which has been seized by the police in connection with Sahkund P.S.
Case No. 164 of 2017, District- Bhagalpur for the offence under
Section 30(A) of the Bihar Prohibition and Excise Act, 2016. It is
alleged that 47 litres of illicit country made liquor and 3.42 litres of
foreign liquor have been recovered from the house and shop in
question.

Learned counsel for the petitioner submits that the



confiscation proceeding (Excise Case No. 174 of 2017-18) is still pending and has not been finalized.

Learned counsel for the State is present.

Learned counsel for the petitioner submits that the petitioner is ready and willing to abide by the terms and conditions which may be imposed by this Court for provisional release of the shop and house in question.

Considering the facts and circumstances, pending finalization of confiscation proceeding, let the house and the shop of the petitioner be released / desealed provisionally within one week on the petitioner's furnishing Bank Guarantee or depositing of original title deeds of immovable property lying within the jurisdiction of the authority concerned or any other equivalent security to the satisfaction of the District Magistrate, Bhagalpur, subject to the following conditions:-

(i) The petitioner shall also give an undertaking that he will not deal with the house and the shop in question and shall not alienate or encumber the same creating any kind of adverse interest against the interest of the State.

(ii) At the time of release, the concerned authority/court shall get prepared a photograph duly certified in presence of the petitioner and Panchnama of the house and the shop in question shall



also be prepared and keep the same on record which may be used as secondary evidence.

(iii) Petitioner undertakes not to challenge the said photograph and Panchnama so prepared in his presence at the time of release of the house and the shop in question for use in course of trial or the confiscation proceeding, as the case may be.

The application stands disposed of.

(Rajeev Ranjan Prasad, J)

Dilip, AR

AFR/NAFR	NAFR
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