

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.493 of 2018

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MD. SARFARAJ @ SARFARAJ ANSARI @ MD SARFARAJ ANSARI
S/o Late Nejam, R/o Village- Walidad, Ward no.4, P.S.- Mehandia, District-
Arwal.

.... Petitioner/s

Versus

1. The State of Bihar through Chief Secretary, Bihar, Patna.
2. Principal Secretary, Home, Bihar, Patna.
3. Excise Commissioner, Bihar, Patna.
4. D.M., Arwal, Bihar,
5. S.P., Excise , Arwal,
6. Inspector Excise, Arwal,

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Rina Sinha
For the Respondent/s : Mr. Vivek Prasad(GP-7)

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN
PRASAD
ORAL ORDER

2 19-02-2018 Heard learned counsel for the petitioner and learned
counsel representing the State.

Petitioner in the present case has prayed for ad interim de-sealing of the house which has been seized in connection with Excise Case No.766 of 2017, arising out of Excise P.R.No.12 of 2017, District-Arwal registered under Section 30(a) of the Bihar Prohibition and Excise Act, 2016. It is alleged that 10.5 liters of illicit liquor have been recovered from the house in question.

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 confiscation proceeding, let the house of the petitioner be provisionally de-sealed/released in his favour on production of document of title in respect of the house in question and the petitioner furnishes a surety bond of Rs.5,00,000/- (five lacs) in form of bank guarantee or by deposit of title deeds of immovable property lying within the jurisdiction of the concerned authority/court or any other security of like nature to the satisfaction of the concerned authority/court.

The concerned court/authority 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 house in question in favour of any third party or create any interest adverse to the interest of the State without permission of the Court and shall not allow any illegal act



to be committed in the house in question. The petitioner shall also give an undertaking that if any portion of the house is rented out he will get done the prior police verification of the said person before handing over the possession of any part of the house.

The application stands disposed off.

(Rajeev Ranjan Prasad, J)

Arvind/-

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