

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Writ Jurisdiction Case No.1326 of 2018

Arising Out of PS.Case No. -null Year- null Thana -null District- SASARAM (ROHTAS)

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Lal Mohan Bind @ Lal Mohar Bind, son of Late Hira Bind, resident of village – Mohalla – Banrasia Tola Ward No. 4, Sasaram, P.S. – Sasaram (Muffasil), District – Rohtas.

.... Petitioner

Versus

1. The State of Bihar, through the Principal Secretary, Department of Excise, Government of Bihar, Patna
2. The District Magistrate, Rohtas at Sasaram
3. The Superintendent of Police, Rohtas
4. The S.H.O., P.S. – Sasaram Muffasil, District – Rohtas.

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Binod Kumar 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

Learned counsel for the petitioner is permitted to make necessary correction in paragraph 1 and synopsis during course of the day.

It is submitted that the two pucca and two kachcha rooms of the petitioner situated in village – Banrasia, Ward No. 4 towards west of Sasaram – Beda – Darshanadih Path, under R.S. Khata No. 89, R.S. Plot No. 60, Chak No. 38, an area of 7 decimals constructed along with the others within Sasaram Anchal, District – Rohtas have been sealed/locked in connection with Sasaram (M) P.S. Case No. 82 of 2017 under Section 30(a), 38(1)(2), 41(1)(2) of Bihar Excise and



Prohibition Act, 2016.

Learned counsel for the petitioner submits that in course of search of several houses in the village certain recoveries were made only from the house of Saroj Kumar, son of Kedar Bind, Mantu Bind and Chandrawati Devi but the concerned authority had sealed the house of the petitioner along with others from whose house nothing has been recovered. It is submitted that some similarly situated case this court has already granted de-sealing/release of the house.

Learned counsel for the State is present.

In the facts and circumstances, pending finalization of the confiscation proceeding, let the aforesaid rooms (two pucca and two Kachha rooms) of the petitioner be de-sealed/released provisionally within a week on production of document of title in respect of the house in question and the petitioner furnishes a surety bond of Rs. 10,00,000/- (Ten Lakhs) (not in form of bank guarantee or cash) with two sureties of the like amount to the satisfaction of District Magistrate, Rohtas at Sasaram/authority concerned.

The District Magistrate, Rohtas at Sasaram shall get prepared a photograph duly certified and a Panchnama of the rooms 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 rooms in question in favour of any third party or create any interest adverse to the interest of the State without permission of the authority concerned/Court and shall not allow any illegal act to be committed in the rooms in question. The petitioner shall also give an undertaking that if any room is rented out he will get done prior police verification of the said person before handing over the possession of the rooms in question.

The application stands disposed of.

(Rajeev Ranjan Prasad, J.)

Rajeev/-

AFR/NAFR	
CAV DATE	
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