

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.2334 of 2017

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1. Ashok Chaudhary, S/o Madan Chaudhary,
 2. Manna Chaudhary S/o Late Inar Chaudhary, Both are R/o Village-
Rauja Masihan Tola, P.S.- Khaira, District- Saran at Chapra.

.... Petitioners

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar,
Patna.
2. The District Magistrate , Saran at Chapra.
3. The Superintendent of Police, Saran at Chapra.
4. The Excise Superintendent , Saran at Chapra.
5. The Officer in Charge of Khaira P.S., Saran at Chapra.

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Krishna Kumar Yadav, Adv.
For the Respondent/s : Mr. Kumar Manish (SC-5)

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

3 13-09-2018 In view of the judicial pronouncement recently reported in 2018 (2) PLJR 677, learned counsel for the petitioners undertakes to file one set of court fee by Monday.

This writ application has been preferred seeking a direction to the respondent authorities to unseal the two houses of the petitioners which were sealed by the Excise Superintendent, Saran at Chapra on 19.08.2016 in connection with Khaira P.S. Case No. 131 of 2016 dated 19.08.2016 registered under Sections 272, 273 and 188/34 of the Indian Penal Code read with Section 47 of Bihar Excise Act.

Learned counsel for the petitioners submits that as



per the allegations, the houses of the petitioners were searched. From the house of petitioner no. 1 one yellow plastic Jar of 5 liter country made liquor and one zinc container having 6 liter country made liquor, total about 11 liter illicit liquor were recovered. So far as petitioner no. 2 is concerned, from the house of petitioner no. 2, 10 liter of country made *Mahuwa* wine and 8 Kg. of *Mahuwa* were recovered.

Learned counsel submits that in the present case only proposal of confiscation were sent but no notice of confiscation has been issued to the petitioners.

In the given facts and circumstances of the case, taking into consideration the views of the Hon'ble Division Bench of this Court in several similar materials, this Court would direct de-sealing of the two houses belonging to the petitioners and handing over their possession in favour of the petitioners on their furnishing original title deed of the houses as securities and one surety each to the extent of the value of land to the satisfaction of the District Magistrate, Saran at Chapra. The petitioners shall also furnish an undertaking that during pendency of the confiscation proceeding they will not deal with their respective houses in question in any manner whatsoever.

District Magistrate, Saran at Chapra shall further



release/unseal and hand over the possession of the houses within a week from the date of submission of sureties bonds and original title deeds by petitioners. The title deeds shall be kept safely by the District Magistrate, Saran subject to result of the case.

This application stands disposed off.

(Rajeev Ranjan Prasad, J)

Ved/-

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