

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.2566 of 2017

=====

Subhanullah Khan, S/o Abdul Sattar Khan, Resident of Village- Kopa,
P.S.- Kopa, District- Saran at Chapra.

.... Petitioner/s

Versus

1. The State of Bihar, through its Principal Secretary, Excise Department.
2. The Director General of Police, Bihar, Patna.
3. The District Magistrate-cum-Collector Saran at Chapra.
4. The Superintendent of Police, Saran at Chapra.
5. The Deputy Superintendent of Police, Saran at Chapra.
6. The Officer-In-Charge of Kopa Police Station of Saran District.

.... Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Nawal Kishore Singh

For the Respondent/s : Mr. Kumar Manish

=====

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN
PRASAD
ORAL ORDER

2 25-01-2018 Heard learned counsel for the petitioner and learned
counsel representing the State.

Learned counsel for the petitioner is permitted to
make necessary correction in the description of the property in
paragraph 1 of the writ application in course of the day.

Learned counsel for the petitioner claims that he is
the owner of the shop in question bearing khata no.1320, plot
no.1597, Mauza-Kopa in the District of Saran, which was rented
out to one Gandhi Rai who is an accused in Kopa P.S. Case No.50
of 2017 for the offence under Section 30(a) of the Bihar
Prohibition and Excise Act, 2016. Learned counsel submits that



the alleged illicit liquor has been seized from the possession of the accused persons who were tenants of the petitioner. Learned counsel further submits that presently confiscation proceeding has not been initiated. He further submits that the petitioner is the owner of the shop and he is ready and willing to abide by the terms and conditions which may be imposed by this Court for the purpose of de-sealing of the shop in question.

In the facts and circumstances, by way of ad interim release, let the shop in question be de-sealed in favour of the petitioner on production of document of title in respect of the shop in question and the petitioner furnishes a surety bond of Rs.3,00,000/- (three 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 subject to the condition that petitioner undertakes not to deal with the shop 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 shop in question. The petitioner shall also give an undertaking that if any portion of the shop is rented out he will get done prior police verification of the said person before handing over the possession



of any part of the shop.

The application stands disposed of.

(Rajeev Ranjan Prasad, J)

Arvind/-

U		T	
---	--	---	--

