

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.2760 of 2017

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Suneeta Devi, Wife of Late Umesh Lal Gupta @ Umesh Sao, resident of Mohalla- Jagdeo Nagar, Old Jakkanpur, Police Station- Jakkanpur, District- Patna.

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Excise, Prohibition & Registration Department, Government of Bihar, Patna.
2. The Collector-cum-District Magistrate, Patna.
3. The Superintendent of Police, Patna District, Patna.
4. The Officer-In-Charge of Jakkanpur Police Station, District- Patna.
5. The Investigating Officer of Jakkanpur Police Station Case No. 129/17.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Uday Kumar

For the Respondent/s : Mr. P.M. Shahi (AAG-6)

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 09-01-2018 Petitioner has filed the present writ application seeking release of the house situated in Mohalla-Jagdeo Nagar, Old Jakkanpur, P.S.-Jakkanpur, District Patna standing on the land bearing Khata No.59 and khesra No.242.

Learned counsel for the petitioner submits that the petitioner is a widow and for the purpose of livelihood she had rented a portion of her residential house to one Sanjay Kumar Choudhary. The said Sanjay Kumar Choudhary was allegedly found in possession of the illicit liquor which is said to be huge quantity as per the seizure list and a case Jakkanpur Police Station Case No.129 of 2017 has been registered against him under



Sections 30(a), 38 and 47 of the Bihar Prohibition and Excise Act, 2016. Learned counsel submits that although no confiscation proceeding has been initiated so far, but the entire house of the petitioner has been sealed by the police. Learned counsel further submits that an issue as to whether an executive can initiate and conduct confiscation proceeding is pending consideration before a Division Bench of this Court in LPA No.1647 of 2015.

Learned counsel for the State is present.

In the facts and circumstances stated hereinabove, let the house in question be provisionally unsealed and released in favour of the petitioner on production of document of title in respect of the house in question to the satisfaction of the concerned court/authority. The petitioner shall furnish a surety bond of Rs.25,00,000/- (twenty five lacs) (not in form of cash or bank guarantee) with two sureties of the like amount.

The petitioner undertakes not to alienate or encumber the house in question in any manner whatsoever without permission of the court/authority concerned. The petitioner shall also give an undertaking that if any portion of the house is rented out she 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 of.

(Rajeev Ranjan Prasad, J)

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