

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15015 of 2018

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Mahashay Soren Son of Late Bhaiya Soren Resident of Village - Malbathan,
P.S. - Katoria, District - Banka.

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Department of Prohibition & Excise, Govt. of Bihar, Patna.
2. The District Magistrate, Banka.
3. The District Superintendent of Excise, Banka.
4. The Officer-in-Charge, Katoria Police Station, District - Banka.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Sanjay Kumar Jha
For the Respondent/s : Mr. Vikash Kumar- Sc11

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN
and
HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

(Per: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD)

2 19-12-2018 Heard learned counsel for the petitioner and learned
counsel representing the State.

This application has been filed for a Mandamus directing the State respondents to release/unseal the House of the petitioner sealed in connection with Katoria P. S. Case No. 197 of 2017 dated 08.11.2017 registered under Section 30(d) of Bihar Prohibition & Excise Act, 2016 and Section 3 of Mahua Flower Rule.

Learned counsel for the petitioner submits that as per the allegations, 30 Kg. Mahua flower has been recovered from the House. It is submitted that the confiscation proceeding for



the property in question has not been initiated till date.

Learned counsel for the State is present.

Considering the facts and circumstances of the case where it is said to be a residential house under seizure for more than one year and the petitioner is ready to furnish adequate security to safeguard the interest of the State, following the consistent views of the Division Bench of this Court, we direct that pending initiation/finalization of confiscation proceeding pursuant to Katoria P. S. Case No. 197 of 2017, the House of the petitioner be provisionally de-sealed and possession be handed over to the petitioner on the petitioner's depositing the original title deed of the property in question as security with one surety to the extent of value of the property as per the circle rate with the court below. On submission of the original title deed of the property in question with the surety, the House shall be de-sealed and possession be handed over within one week thereof. The title deed deposited by the petitioner shall be kept in safe custody of the court below.

The owner of the property shall undertake that during the pendency of the confiscation proceeding he will not deal with the property in question and shall not create any third party interest whatsoever.



The application is allowed to the extent as stated
hereinabove.

(Jyoti Saran, J)

(Rajeev Ranjan Prasad, J)

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