

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.2383 of 2018

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Mangal Choudhary @ Umesh Choudhary, S/o Late Ramji Choudhary @
Ramu Choudhary R/o Mohalla Jokhi Shah Lane, Mundichak, P.S. Kotwali
(Jagdishpur), District- Bhagalpur.

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary Department of Registration, Excise and Prohibition, Government of Bihar.
2. The Excise Commissioner, Bihar, Patna.
3. The District Collector cum District Magistrate, Bhagalpur.
4. The State of Bihar through the Director General of Police Bihar.
5. The Superintendent of Police, District Bhagalpur.
6. The Station House Officer, Kotwali (Tilkamanjhi), within District - Bhagalpur.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Anupa Nand Jha

For the Respondent/s : Mr. Kumar Manish (SC-5)

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 10-10-2018 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 situated in the Mohalla Jokhi Shah Lane pertaining to Khata No.522, Khesra No.309, Area .0083, House No.387 in Municipality Bhagalpur under Ward No.12 which has been seized in connection with Kotwali (Tilkamajhi) P.S. Case No.166 of 2017 under Sections 30(a) and 38(b) of the Bihar Prohibition and Excise Act, 2016.



Learned counsel for the petitioner submits that as per the allegations, 57 bottle of wine has been recovered from the house in question. It is submitted that the confiscation proceeding has already been initiated vide Misc. (Excise) Case No.92 of 2017-18 by the Collector-cum-District Magistrate, Bhagalpur, but no final order has been passed as yet.

Learned counsel for the State is present.

Considering the facts and circumstances, pending finalization of the confiscation proceeding, let the house of the petitioner be provisionally de-sealed and possession be handed over to the petitioner on the petitioner depositing the original title deed of the property in question as security with one surety to the extent of value of the property as indicated in title deed to the satisfaction of the Collector-cum-District Magistrate, Bhagalpur. On submission of the original title deed of the property in question with the surety, the house in question shall be de-sealed and possession be handed over within two days thereof. The title deed deposited by the petitioner shall be kept in safe custody in the office of Collector-cum-District Magistrate, Bhagalpur.

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.

(Rajeev Ranjan Prasad, J)

Arvind/-

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