

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.1663 of 2018

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Binod Sah, Son of Bindeshwar Sah, R/o Village- Bhasar Goat, P.S.-
Sitamarhi, District- Sitamarhi.

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Registration, Excise and Prohibition Department, Govt. of Bihar, Patna.
2. The Collector, Sitamarhi.
3. The Deputy Collector, Incharge, District Law Section, Sitamarhi.
4. The Assistant Excise Commissioner, Sitamarhi.
5. The Superintendent of Excise, Sitamarhi.
6. The Superintendent of Police, Sitamarhi.
7. The Station House Officer of Sitamarhi Police Station, District- Sitamarhi.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ashok Kumar Jha, Adv.

For the Respondent/s : Mr. Anil Kumar Sinha (Ga-1)

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

3 07-09-2018 This application has been preferred for a direction to the respondent no. 2 to unseal the shop and room of the house of the petitioner situated over Khesra No. 10466, Tauji No. 360 which is the subject matter of the Confiscation Case No. 90 of 2018 arising out of Sitamarhi P.S. Case No. 864 of 2017.

Learned counsel for the petitioner submits that as per allegation 93 liters of liquor have been recovered from the premise in question.

Learned counsel for the State is present.

Considering the facts and circumstances of the case



and pending finalization of the confiscation proceeding, let the shop and the room of the house of the petitioner in question be unsealed and the possession be handed over to the petitioner on the petitioner submitting the original title deed of the house in question with the District Magistrate-cum-Collector, Sitamarhi, along with one surety to the extent of the value of the property in question to the satisfaction of the District Magistrate-cum-Collector, Sitamarhi. Such release shall be given effect too within a period of one week from the date of furnishing of the original title deed and sureties.

The petitioner undertakes that he would not deal with or alienate the house in question or create any interest adverse to the interest of the State during the pendency of the confiscation proceeding and shall not allow any illegal act to be committed in the house in question. The petitioner shall also give an undertaking that if any portion of the house is rented out he will get done the prior police verification of the said person before handing over the possession of any part of the house.

This application stands disposed off.

(Rajeev Ranjan Prasad, J)

R.R.Ojha.

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