

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.2731 of 2018

Arising Out of PS. Case No.-149 Year-2017 Thana- MURLIGANJ District- Madhepura

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Ajay Chauhan S/o Late Ram Chandra Chauhan @ Late Ramu Chauhan
Resident of Ward No.9, Murliganj,P.S. Murliganj,Distt.-Madhepura

... .. Petitioner/s

Versus

1. The State of Bihar Through The Principal Secretary, Excise Department, Govt. of Bihar, Patna
2. The District Magistrate,Madepura
3. The Superintendent of Police, Madepura
4. The S.H.O.,Murliganj,Distt.-Madhepura

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Mukesh Kumar Jha
For the Respondent/s : Mr. Vivek Prasad(Gp7)

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 02-11-2018 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 seized in connection with Murliganj P. S. Case No. 149 of 2017 registered under Sections 30(a) of Bihar Prohibition & Excise Act, 2016.

Learned counsel for the petitioner submits that as per the allegations, 4.140 liters of illicit liquor have been recovered from the House. It is submitted that the petitioner has not received any notice of confiscation proceeding for the property in question.



Learned counsel for the State is present.

Pending initiation/finalization of confiscation proceeding pursuant to Murliganj P. S. Case No. 149 of 2017, let the House of the petitioner be 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 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 two days 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.

(Rajeev Ranjan Prasad, J)

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