

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.2099 of 2018

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Om Prakash Gupta, S/o Late Gauri Shankar Shah (Managing Director, Minakshi Hotel), R/o Nai Bazar, P.S.- Town Thana Muzaffarpur.

.... Petitioner/s

Versus

1. The State of Bihar Through The Principal Secretry, Excise Dept., Govt. of Bihar, Patna.
2. The Director General of Police, Patna, Bihar.
3. The Inspector General of Police, Muzaffarpur Range, Muzaffarpur, Bihar.
4. The Deputy Inspector General, Muzaffarpur Range, District-Muzaffarpur.
5. The District Magistrate, Muzaffarpur.
6. The Superintendent of Police, Muzaffarpur.
7. The Station House Officer, Town Thana Police Station, Muzaffarpur-Cum-Investigation Officer of Muzaffarpur Town, P.S.- Case No.-451 of 2018.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Mukesh Prasad Singh, Adv.

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

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 10-09-2018 Heard learned Senior Counsel for the petitioner and learned counsel representing the State.

This application has been preferred for a mandamus directing the State Respondents to unseal the room no. 202 of Minakshi Hotel at Muzaffarpur which has been sealed pursuant to the First Information Report being Muzaffarpur Town P.S. Case No. 451 of 2018 registered under Section 30 (a) of Bihar Prohibition and Excise Act.

Learned Senior Counsel while placing the application has



pointed out that as per the allegations 500 M.L. of illicit liquor was recovered from the customer of the hotel who was residing in the same room.

Learned counsel for the State is present.

Pending finalization of the confiscation proceeding, let the room in question be de-sealed and possession be handed over to the petitioner on the petitioner depositing the title deed of the property in question with the District Magistrate, Muzaffarpur, with one surety of the like amount. On submission of the sureties of the title deed the room in question shall be de-sealed and possession be handed over within two days thereof.

The petitioner 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)

R.R.Ojha.

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