

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.2112 of 2018

Arising Out of PS. Case No.-669 Year-2017 Thana- DEHRI TOWN District- Rohtas

Kamlesh Kumar Mohan @ Kamlesh Singh son of Ram Sakal Singh, R/o
village- Patnwa Khurd, P.S.- Indrapuri, District- Rohtas... .. Petitioner

Versus

1. The State Of Bihar, Through The Principal Secretary, Department Of
Excise, Government Of Bihar, Patna
2. The District Magistrate, Rohtas at Sasaram
3. The Superintendent of Police, District- Rohtas
4. The S.H.O. of Dehri (T), P.s.- District- Rohtas

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Sanjay Kumar Tiwary
For the Respondent/s : Mr. Vivek Prasad(Gp-7)

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 11-09-2018 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 unseal the Restaurant namely, Chahat Restaurant, Dehri, District- Rohtas which has been sealed pursuant to the First Information Report being Dehri (T) P.S. Case No. 669 of 2017 registered under Sections 30 9a)/37, 38, 41, 45, 47 and 48 of Bihar Prohibition & Excise Act.

Learned counsel for the petitioner submits that as per the allegations, 850 ml. illegal liquor has been recovered from the different places of the alleged Chahat Restaurant, Dehri-on-Sone. 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 Dehri (T) P. S. Case No. 669 of 2017, let the Restaurant namely, Chahat Restaurant, Dehri, District-Rohtas 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 of learned 2nd Additional District & Sessions Judge-cum-Special Judge Excise, Rohtas at Sasaram. On submission of the original title deed of the property in question with the surety, the Restaurant shall be de-sealed and possession be handed over within two days thereof.

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. Further that no illegal activity will be allowed to take place in the restaurant.

The application is allowed to the extent as stated hereinabove.

(Rajeev Ranjan Prasad, J)

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