

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1314 of 2019

Shanti Devi, aged about 53 years, (Female), wife of Suresh Ram Resident Of Village- Khaira, police station- Sasaram (Darigaon), District- Rohtas. At present resident of House no-705, Type-1, Sector-7, R.K. Puram Colony, South-west Delhi, Delhi-110022

... .. 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 Rohtas at Dehri-on Sone.
4. The District - Excise Officer, Rohtas at sasarams
5. The SHO Sasaram Town Police station, District Rohtas

... .. Respondents

Appearance :

For the Petitioner/s : Mr. Rajani Kant Singh, Adv.
For the Respondent/s : Mr. Vivek Prasad (Sc11)

CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN
and
HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL JUDGMENT
(Per: HONOURABLE MR. JUSTICE JYOTI SARAN)

Date : 22-01-2019

Heard learned counsel for the petitioner and learned counsel appearing on behalf of the State.

This application has been filed for a mandamus directing the State respondents to release/ unseal the house of the petitioner situated over R.S.Khata No.53, R.S.Plot No. 916, Mauza Khaira, P.S. Sasaram (Darigaon), District Rohtas sealed in connection with Sasaram (Darigaon) P.S.Case No. 380/2018 registered under section 30(a) of the Bihar Prohibition and Excise Act, 2016.

Learned counsel for the petitioner submits that as per the allegation, 14.250 litres of foreign liquor have been recovered



from the house. It is submitted that the confiscation proceeding for the property is yet to be initiated.

Considering the facts and circumstances of the case where it is said to be a residential house under the seizure of more than ten months and the petitioner is ready to furnish adequate security to safeguard the interest of the State, following the consistent views of the Division Bench of this Court, we direct that pending finalization of confiscation proceeding the house of the petitioner be provisionally de-sealed and possession be handed over to the petitioner on the petitioner's depositing the original title deed of the property in question as security with one surety to the extent of value of the property as per the circle rate with the District Magistrate, Rohtas at Sasaram. 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 one week thereof. The title deed deposited by the petitioner shall be kept in safe custody of the Confiscating Authority.

The owner of the property shall undertake that during the pendency of the confiscation proceeding, she 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.

(Jyoti Saran, J)

(Nilu Agrawal, J)

Surendra/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	25.01.2019
Transmission Date	NA

