

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1077 of 2019

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Dina Nath Yadav, aged about 63 years, Male, S/o Jangali Yadav, R/o Vill. Bharatpaw P.S. Karishnabram, District – Buxar.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Excise Department, Government of Bihar, Patna.
2. The District Magistrate-cum-Collector, District – Buxar.
3. The Superintendent of Police, District – Buxar.
4. The Excise Superintendent, Buxar, District – Buxar.
5. The Excise Inspector, Buxar, District – Buxar.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Rang Nath Choubey
For the Respondent/s : Mr. Vivek Prasad- GP7

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN
and
HONOURABLE MR. JUSTICE ARVIND SRIVASTAVA
ORAL JUDGMENT
(Per: HONOURABLE MR. JUSTICE JYOTI SARAN)

Date : 15-01-2019

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 sealed in connection with Excise Case No. 242(0) of 2017 Buxar registered under sections 30(a) and 37(b) of the Bihar Prohibition and Excise Act.

Learned counsel for the petitioner submits that as per the allegation, 0.360 liters of foreign liquor have been recovered from the house. It is submitted that the confiscation proceeding



for the property in question is pending.

Learned counsel for the State is present.

Considering the facts and circumstances of the case where it is said to be a residential house under the seizure of more than one year 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 pursuant to Confiscation Case No. 191 of 2017 arising out of Excise Case 242(0) of 2017 dated 12.08.2017, 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, Buxar. 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, 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.

(Jyoti Saran, J)

(Arvind Srivastava, J)

Shailendra/-

AFR/NAFR	NAFR
CAV DATE	
Uploading Date	24.01.2019
Transmission Date	

