

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.619 of 2019

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Dharmbeer Kumar Son of Sri Sita Ram Ray, Resident of Village- Kacchi Dargah, Police Station- Nadi Thana, District- Patna.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The Excise Commissioner, Bihar Prohibition and Excise Act 2016 Department Patna, Bihar.
3. The Excise Officer, Bihar Prohibition and Excise Act 2016 Department, Patna, Bihar.
4. The District Collector, District- Patna, Bihar. null null
5. The Superintendent of Police, District- Patna, Bihar.
6. The Officer in- Charge of Nadi Thana Police Station, District- Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Jay Ram Prasad
For the Respondent/s : Mr.Kumar Manish- Sc5

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN
and
HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL JUDGMENT
(Per: HONOURABLE MR. JUSTICE JYOTI SARAN)

Date : 25-06-2019

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 grocery shop of the petitioner situated near Kachhi Dargah Market, in front of the Gramin Bank Nadi Thana, Distt. Patna, sealed in connection with Spl Case No. 8403 of 2018 arising out of Nadi Thana P.R. Case



No. 125/2018 registered under section 30(a)/ 32(i) and 38(i) of the Bihar Prohibition and Excise Act, 2016.

Learned counsel for the petitioner submits that as per the allegation, 71.280 litres of IMFL and 89 litres of country made liquor have been recovered from the grocery shop. It is submitted that the confiscation proceeding for the property is pending.

Considering the facts and circumstances of the case where it is said to be a grocery shop under the seizure of more than nine 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 grocery shop 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, Patna. On submission of the original title deed of the property in question with the surety, the grocery shop 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)

(Partha Sarthy, J)

sushma/prakash

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	8.7.2019
Transmission Date	NA

