

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.682 of 2019

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1. Rekha Devi (F), aged about 36 years, Wife of Rajendra Turi, Resident of Village-Mahapur, Manjhi Tola, P.S. Khaira, Dist.-Jamui
 2. Usha Devi (F), aged about 31 years, Wife of Sakindra Turi, Resident of Village-Mahapur, Manjhi, Tola, P.S. Khaira, Dist. Jamui
 3. Jhopri Turi @ Ramdeo Turi (M), aged about 39 years, Son of Late Mohi Turi, Resident of Village-Mahapur, Manjhi Tola, P.S. Khaira, Dist. Jamui.

... .. Petitioner/s

Versus

1. The State of Bihar through District Magistrate Cum Collector, Jamui,
2. Principal Secretary, Registration, Excise and Prohibition, Govt. of Bihar, Patna
3. District Magistrate Cum Collector, Jamui,
4. Superintendent of Police, Jamui.
5. Inspector of Police Cum Officer in Charge, Khaira Police Station, Jamui

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Prabhat Ranjan Singh, Advocate
For the Respondent/s : Mr.

CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN

and

HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE JYOTI SARAN)

Date : 06-05-2019

Heard learned counsel for the petitioners 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 petitioners sealed in connection with Khaira P.S. Case No. 295 of 2017 registered under sections 272, 273, 34 of the Indian Penal Code and for the offence punishable under sections 30(a),



(d), 38(1) of the Bihar Prohibition and Excise Act. The seizure list shows recovery of liquor and Mahua Flower from the house of the petitioners.

Learned counsel for the petitioners submits that the house in question is a joint family property of the petitioners. The seizure list shows recovery of liquor and Mahua Flower from the house of the petitioners. It is also submitted that the confiscation proceeding for the property in question is pending.

Learned counsel for the State is present and submits that in the given facts and circumstances of this case if at all the Court is willing to consider provisional unsealing of the house then the interest of the State is required to be protected.

Having heard learned counsel for the parties and considering the facts and circumstance of the case where it is said to be a residential house under the seizure of more than one and half years and the petitioners are 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 petitioners be provisionally de-sealed and possession be handed over to the petitioners on the petitioners' 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 cum Collector, Jamui.

The owner of the property shall give an undertaking 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.

On submission of the original title deed of the property in question together with the surety and the undertaking as mentioned above, the house in question shall be de-sealed and possession be handed over within a fortnight thereafter. The title deed deposited by the petitioners shall be kept in safe custody of the Confiscating Authority and shall be subject to outcome in the confiscation proceeding.

The writ petition is allowed to the extent as stated hereinabove.

(Jyoti Saran, J)

(Anjani Kumar Sharan, J)

Nasimul/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	10-05-2019
Transmission Date	N/A

