

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.576 of 2019

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Athar Quraishi, aged about 23 years, male, Son of Mobin Quraishi, Resident of Village-Dumri, P.S. Durgawati, District Kaimur at Bhabua.

... .. Petitioner/s

Versus

1. The State of Bihar through its Principal Secretary, Excise Dept., Govt. of Bihar, Patna
2. The Home Secretary, Govt. of Bihar, Patna
3. The District Magistrate, Kaimur at Bhabua.
4. The S.P. Kaimur at Bhabua.
5. The Circle Officer, Durgawati, Kaimur (Bhabua).
6. The S.H.O., Durgawati P.S. Durgawati, Kaimur (Bhabua).

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Vinod Kumar Seth, Advocate

For the Respondent/s : Mr.Kumar Manish

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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

Learned counsel for the petitioner submits that though there is no recovery from the house which has been put to seal, there is some recovery of 414.72 liters of IMFL from the vehicle standing outside the house.

Mr. Kumar Manish, learned S.C.5 while objecting the prayer submits that even though recovery was made from the vehicle and not from the house but the vehicle was found within the premises of the house. Undisputedly, there is no recovery from the house as it is also confirmed from the seizure list.

Having heard learned counsel for the parties and taking note of the legal positions settled by this Court in the case



of *Diwakar Kumar Singh Vs. The State of Bihar through the Principal Secretary, Excise Department & Ors. reported in 2018 (3) PLJR 403*, we direct for release of the house in question in favour of the petitioner within a fortnight, on furnishing/production of the document showing the ownership of the house supporting the claim of the petitioner before the Designated Court below because neither the F.I.R. nor the seizure list reflects any reason for proceeding to be continued against the house in question.

Since nothing has been recovered from the house, there is no question of submission of any surety bond in view of the judgment of the Hon'ble Division Bench of this Court.

With this observations/directions above, this writ petition is allowed.

(Jyoti Saran, J)

(Anjani Kumar Sharan, J)

Nasimul/-

AFR/NAFR	NAFR
CAV DATE	N/A
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