

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.3001 of 2019**

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Rameshwar Bhagat, aged about 46 years (Male) S/o Late Vishwanath Bhagat  
At- Eastern Dahiyavan Mission Road, Chapra P.S.- Town Thana, District-  
Saran ... .. Petitioner

Versus

1. The State of Bihar through its Principal Secretary, Excise Deptt., Govt. of Bihar, Old Secretariat, Patna
  2. The District Magistrate, Saran
  3. The Superintendent of Police, Saran
  4. The Sub Inspector Excise, Sadar Circle Chapra, Saran ... .. Respondents
- =====

**Appearance :**

For the Petitioner/s : Mr. Ravi Prakash  
For the Respondent/s : Mr. Vikash Kumar (Sc11)

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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 : 18-02-2019**

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. 131/2018, PR No.  
89/2018 registered under section 30(a) of the Bihar Prohibition and  
Excise Act, 2016.

Learned counsel for the petitioner submits that as per the  
allegation, 30.180 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 initiation and 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 designated court below. 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 court below.

The owner of the property shall undertake that 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)**

Surendra/-

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| AFR/NAFR          | NAFR       |
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