

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16241 of 2018

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Chanda Devi Kamalia W/o Late Vishnu Kamalia, Resident of Flat No.501,
Vishnu Heritage Apartment, Hajiganj, P.S.- Chowk, District- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar and Ors
2. The Principal Secretary, Department of Excise, Government of Bihar, Patna.
3. The Collector-cum-District Magistrate, Patna.
4. The Senior Superintendent of Police, Patna.
5. The Officer In-charge, Chowk Police Station in Chowk P.S. Case No. 193 of 2018, District- Patna.
6. The Investigating Officer, Chowk Police Station in Chowk P.S. Case No. 193 of 2018, District- Patna

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Prakash Chandra Agrawal, Adv.
For the Respondent/s : Mr.Kumar Manish, SC5

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN
and
HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL JUDGMENT
(Per: HONOURABLE MR. JUSTICE JYOTI SARAN)

Date : 21-01-2019

Heard learned counsel for the petitioner and learned
counsel for the State.

This application has been filed for a direction in the
nature of mandamus to unlock the flat of the petitioner bearing
Flat No.100/101 at Vishnu Heritage Apartment, Hajipur P.S.-
Chowk, District-Patna in connection with Chowk P.S.Case No.193



of 2018 dated 13.05.2018 instituted for offences under Sections 272, 273, 290/34 of the Indian Penal Code and Section 30(a)/37(C) of the Bihar Prohibition & Excise Act, 2016. It has been stated that on recovery of 250 ML. of whisky, two glass, some empty plastic bottles and wrappers that after two months of the alleged occurrence, the flat has been put under lock.

Having heard learned counsel for the parties and considering the nature of recovery made, the respondent No.3, the Collector cum District Magistrate, Patna & the respondent No.5, the Officer Incharge, Chowk Police Station, are directed to de-seal the flat in question and to hand over its possession to the petitioner on the petitioner depositing the original title deed of the property in question/ property in the name of the petitioner situated within the district as security together with one surety to the extent of value of the property as per the circle rate with the District Magistrate, Patna. The title deed deposited by the petitioner shall be kept in safe custody of the Confiscating Authority.

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 nor create any third party interest whatsoever.



Let the possession of the flat in question be handed over within 14 days of discharge of obligation by the petitioner as noted above.

The application is allowed to the extent as stated hereinabove.

(Jyoti Saran, J)

(Nilu Agrawal, J)

Bibhash/-

AFR/NAFR	
CAV DATE	NA
Uploading Date	05.02.2019
Transmission Date	NA

