

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2785 of 2019

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Sachidanand Singh Son of Late Nageshwar Singh, Male, aged about 66 years,
Resident of Village- Amethiyadih, P.S.- Sono, District- Jamui

... .. Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Department of Registration, Excise and Prohibition, Government of Bihar, Patna
2. The Excise Commissioner, Bihar, Patna
3. The District Collector-cum-District Magistrate, Jamui
4. The State of Bihar through the Director General of Police, Bihar
5. The Superintendent of Police, Jamui
6. The Station House Officer, Jamui Police Station, Jamui

... .. Respondents

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Appearance :

For the Petitioner/s : Mr. Pankaj Kumar Sinha
For the Respondent/s : Mr. Vivek Prasad (Gp7)

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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 : 19-02-2019

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 and land of the
petitioner situated at Mohalla Bihari (Bombay Colony), Area 3 ³/₄
decimals land, Anchal Jamui, District Jamui sealed in connection
with Jamui P.S.Case No. 464/2017 registered under section
30/30(a) of the Bihar Prohibition and Excise Act, 2016.

Learned counsel for the petitioner submits that as per the
allegation, 45 litres of foreign liquor have been recovered from the



house. It is submitted that the confiscation proceeding bearing Confiscation Case No. 90/2018 for the property is pending.

Considering the facts and circumstances of the case where it is said to be a residential house under the seizure of more than one year 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 house and land 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, Jamui. On submission of the original title deed of the property in question with the surety, the house and land 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)

(Arvind Srivastava, J)

Surendra/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	28.02.2019
Transmission Date	NA

