

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2932 of 2019

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Srikant Singh, aged about 45, Male, Son of Late Ramjee Singh, Resident of Village- Khanpur, Police Station- Derni, Districct- Saran at Chapra.

... .. Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Prohibition, Excise and Registration Department, Govt. of Bihar, Patna.
2. The Principal Secretary, Prohibition, Excise and Registration Department, Govt. of Bihar, Patna.
3. The District Magistrate, Saran at Chapra.
4. The Superintendent of Police, Saran at Chapra.
5. The Officer-in-Charge, Derni Police Station, Saran at Chapra.

... .. Respondents

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Appearance :

For the Petitioner/s : Mr. Satya Prakash
For the Respondent/s : Mr. Kumar Manish (Sc5)

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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 Karkatnuma Room/ house of the petitioner sealed in connection with Demi P.S.Case No. 111/2017 registered under sections 30 and 30(a) of the Bihar Prohibition and Excise Act, 2016.

Learned counsel for the petitioner submits that as per the allegation, 4 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 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 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)

Surendra/-

(Arvind Srivastava, J)

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	27.02.2019
Transmission Date	NA

