

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.19831 of 2018

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Harihar Sah Son of Ram Bilash Sah Resident of Village-Punaura, P.S. and
Dist-Sitamarhi

... .. Petitioner/s

Versus

1. The State Of Bihar through the Principal Secretary, Excise Department,
Bihar at Patna
2. The District Magistrate, Sitamarhi, Dist-Sitamarhi
3. The Superintendent of Police, Excise Sitamarhi, Dist-Sitamarhi
4. The Superintendent of Police, Sitamarhi, Dist-Sitamarhi
5. The Officer in Charge of Sitamarhi Police Station, Dist-Sitamarhi

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Sanjay Kumar
For the Respondent/s : Mr.Kumar Manish- SC 5

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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 : 08-04-2019

None appears on behalf of the petitioner. Learned
counsels appearing for the State is present.

This application has been filed for directing the
State respondents to provisionally unseal the House of the
petitioner sealed in connection with Sitamarhi P.S. Case No.
474 of 2018 registered under sections 272, 273 of the Indian
Penal Code and for the offences punishable under Section
30(a) of the Bihar Excise and Prohibition Act.

Learned counsel appearing for the State informs



that the matter relates to seizure of house from where about 39.90 liters of Nepali Sofy was recovered giving rise to the police case in question. He further submits that there is no statement with regard to confiscation proceeding.

Considering the facts and circumstances of the case where it is said to be a house under seizure for about a year, following the consistent views of the Division Bench of this Court, we direct that pending finalization of confiscating proceeding, as and when initiated, arising out of Sitamarhi P.S. Case No. 474 of 2018, 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 before 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 during the pendency of the confiscation proceeding, as and



when initiated, he will not deal with the property in question and shall not create any third party interest whatsoever.

This provisional unsealing of the house would, however, be subject to the final outcome of the confiscation proceeding, as and when initiated.

The application is allowed to the extent as stated hereinabove.

(Jyoti Saran, J)

(Arvind Srivastava, J)

mcv/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	14.04.2019
Transmission Date	NA

