

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.19700 of 2018

1. Krishna Pasi
2. Shivjee Pasi Both S/o Shivpujan Pasi R/o Village- Hussepur, P.S.Bhore, District- Araria.

... .. Petitioner/s

Versus

1. The State Of Bihar through Principal Secretary, Registration, Excise & Prohibition Department, Govt. of Bihar, Patna
2. The Principal Secretary, Registration, Excise and Prohibition Department, Government of Bihar, Pat
3. The Collector, District- Gopalganj.
4. The Superintendent of Police, Gopalganj.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Bishwajeet Singh
For the Respondent/s : Mr.Anil Kr. Sinha- GA1

CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN

and

HONOURABLE MR. JUSTICE ARVIND SRIVASTAVA

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE JYOTI SARAN)

Date : 08-04-2019

Herd learned counsel appearing for the petitioners
and learned counsel appearing for the State.

This application has been filed for directing the
State respondents to provisionally unseal the House of the
petitioners sealed in connection with Bhore P.S. Case No. 125
of 2018 registered under sections 272, 273, 420 of the
Indian Penal Code and for the offences punishable under
Section 30(a), 35 and 38 of the Bihar Excise and Prohibition



Act.

Learned counsel appearing for the petitioners submits that the matter relates to seizure of house from where about 80.720 liters of I.M.F.L. was recovered giving rise to the police case in question. He further submits that the confiscation proceeding is pending. Petitioners are ready to furnish adequate security for unsealing of the house.

Considering the facts and circumstances of the case where it is said to be a house under seizure for about a year and petitioners are 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 confiscating proceeding arising out of Bhore P.S. Case No. 125 of 2018, the House of the petitioners be provisionally de-sealed and possession be handed over to the petitioners on the petitioners' 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 Collector, Gopalganj. 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 petitioners 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.

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

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

