

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4206 of 2019

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Sumitra Devi aged about 69 years (F), Wife of Ram Sarekh Singh, R/o
Village Mirpur Juara, P.S. Awatar Nagar, District Saran at Chapra, Bihar

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Registration, Excise and Prohibition Department, Government of Bihar, Patna
2. The Principal Secretary Registration, Excise and Prohibition Department, Government of Bihar, Patna
3. The District Magistrate, Saran at Chapra, District Saran Bihar
4. The Superintendent of Excise, Saran at Chapra, District Saran Bihar
5. The Superintendent of Police, Saran at Chapra, District Saran Bihar
6. The Officer In-Charge, Awatar Nagar Police Station, District Saran at Chapra Bihar
7. The Investigatinig Officer of Awatar Nagar Police Station Case No. 209 of 2016, District Saran at Chapra Bihar

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Rakesh Kumar
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 : 11-03-2019

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 of
the petitioner sealed in connection with Awatar Nagar P.S. Case
No. 209 of 2016 registered under sections 188, 272, 273 of the



Indian Penal Code and for the offence punishable under section 30(a) of the Bihar Prohibition and Excise Act. The seizure list shows recovery of 10 liters of country liquor.

Learned counsel for the petitioner submits that as per allegation, 10 liters of country made liquor have been recovered from the house. It is also submitted that the confiscation proceeding for the property in question is pending.

Having heard learned counsel for the parties and considering the facts and circumstance of the case where it is said to be a residential house under the seizure of more than two years 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 District Magistrate, Saran at Chapra. 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 14 days thereof. The title deed deposited by the petitioner shall



be kept in safe custody of the District Magistrate, Saran at Chapra.

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 writ petition is allowed to the extent as stated hereinabove.

(Jyoti Saran, J)

(Arvind Srivastava, J)

Shailendra/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	02.04.2019
Transmission Date	NA

