

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4474 of 2019

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Rambabu Sah (Male) aged about 59 years, Son of Ram Jivan Sah, Resident of Village-Dhobouli, Ward no.14, Police Station-Dumra, District-Sitamarhi.

... .. 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 Collector-cum-District Magistrate, Sitamarhi.
4. The Superintendent of Excise, Sitamarhi.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Pushpendra Kumar Singh
For the Respondent/s : Mr.Vikash Kumar (SC11)

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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 : 14-03-2019

No one appears on behalf of the petitioner. Heard learned counsel for 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 Dumra P.S. Case No. 249 of 2018 registered under Sections 272, 273 of the Indian Penal Code and sections 30(a) of the Bihar Prohibition and Excise Act.

Learned counsel for the State informs that the



seizure list shows recovery of 475 ml of IMFL from the house of the petitioner. Further submission is that he has no information about initiation of confiscation proceeding.

Learned counsel appearing on behalf of the State submits that in the given facts and circumstances of this case if at all the Court is willing to consider provisional unsealing of the house then the interest of the State is required to be protected.

Considering the facts and circumstances of the case where it is said to be a residential house under seizure for 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 initiation and disposal of the confiscation proceeding, the house of the petitioner in question be unsealed 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 the value of the property as per the circle rate before the designated Court below.

The owner of the property shall give an undertaking that he will not deal with the property in question



and shall not create any third party interest whatsoever in the
meanwhile.

On submission of the original title deed of the
property in question together with the surety and the
undertaking as mentioned above, the house in question shall be
de-sealed and possession be handed over within a fortnight
thereafter. The title deed deposited by the petitioner shall be
kept in safe custody of the Court below.

The application is allowed with the observations
and directions set out hereinabove.

(Jyoti Saran, J)

(Arvind Srivastava, J)

Shailendra/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	26.03.2019
Transmission Date	NA

