

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.4891 of 2019**

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Dashrath Mandal S/o Wakil Mandal Res. of Vill- Bisanpur Jichho, P.S.-  
Goradih, Distt.- Bhagalpur.

... .. Petitioner/s

Versus

1. The State of Bihar and Ors Through the Collector Bhagalpur, Bhagalpur, Collectorate, Bhagalpur.
2. The Principal Secretary Department of Registration Excise and Prohibition govt. of Bihar, Patna.
3. The Excise Commissioner Bihar, Patna.
4. The Superintendent of Police (Rural) District- Bhagalpur.
5. The Station House Officer Police Station - Lodipur, Distt.- Bhagalpur.

... .. Respondent/s

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**Appearance :**

For the Petitioner/s : Mr. Indeshwari Prasad Mandal, Adv.  
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 : 29-03-2019**

Heard learned counsel for the petitioner and learned  
counsel for the State.

This application has been filed for a direction in the nature of mandamus to unlock/De-seal the Shop of the petitioner situated in Bisanpur Mauja part of Khata No. 399, Khesra No. 496 measuring area of 92 square feet which has been confiscated by the Confiscating Authority in connection with Miscellaneous Excise Case No. 148 of 2017-18 arising out of Lodipur P.S. Case No. 88 of 2017 registered for the offence



under Sections 30(A) and 30(g) of the Bihar Excise & Prohibition Act, 2016.

It has been submitted that on recovery of 218.25 liters of IMFL, the shop in question has been put under lock. It has also been submitted that confiscation proceeding against the shop in question is pending.

Having heard learned counsel for the parties and considering the nature of recovery made, the Collector -cum- District Magistrate, Bhagalpur is directed to de-seal the shop in question and to hand over its possession to the petitioner on the petitioner depositing the original title deed of the property in question or the property in the name of the petitioner situated within the district as security together with one surety to the extent of value of the property as per the circle rate with the Collector -cum- District Magistrate, Bhagalpur. The title deed deposited by the petitioner shall be kept in safe custody of the Confiscating Authority.

The owner of the property shall give an undertaking that during the pendency of the confiscation proceeding, he will not deal with the property in question nor create any third party interest whatsoever.



Let the possession of the shop in question be handed over to the petitioner within 14 days of discharge of obligation by the petitioner as noted above.

The writ petition is allowed to the extent as stated hereinabove.

**(Jyoti Saran, J)**

**( Arvind Srivastava, J)**

Brajesh/-

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|--------------------------|------------|
| <b>AFR/NAFR</b>          | NAFR       |
| <b>CAV DATE</b>          | NA         |
| <b>Uploading Date</b>    | 09.04.2019 |
| <b>Transmission Date</b> |            |

