

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4086 of 2019

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Deepak Kumar Singh (M), aged about 59 years, Son of Late Harish Chandra Singh, presently resident of Quarter no. B-3/27, Bailey Road, P.S.- Shastri Nagar, Patna- 800023, District Patna and permanent house is at Mohallah Lohanipur, P.S. Kadamkuan and District Patna

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, State Excise Department, Government of Bihar
2. The Collector cum District Magistrate, Patna
3. The Excise Commissioner, Patna
4. The Superintendent of Police, Patna
5. The Station Head Officer (Officer in Charge) Kankarbagh Police Station, District Patna

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Mritunjay Kumar Singh, Advocate
For the Respondent/s : Mr. Kumar Manish (SC5)

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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 : 07-03-2019

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 Kankarbagh P.S. Case
No. 280 of 2018 registered under sections 272, 273 of the Indian
Penal Code and for the offences punishable under section 30(a)
of the Bihar Prohibition and Excise Act.



Learned counsel for the petitioner submits that as per the allegation, 1.500 liters of IMFL have been recovered from the flat. It is submitted that the confiscation proceeding for the property in question is pending.

Considering the facts and circumstances of the case where it is said to be a residential flat under the seizure of more than four months 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 pursuant to Confiscation Case No. 1257 of 2018-2019, the flat 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, Patna. On submission of the original title deed of the property in question with the surety, the flat 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 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.

The application is allowed to the extent as stated hereinabove.

(Jyoti Saran, J)

(Arvind Srivastava, J)

Nasimul/Shailendra

AFR/NAFR	NAFR
CAV DATE	N/A
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