

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4589 of 2019

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Anil Kumar aged about 32 years, Male, S/o Late Dhuri Rai, Resident of Village-Sabalpur-Chaharam, P.S. Sonapur, Dist.-Saran at Chapra.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Excise Prohibition and Registration Govt. of Bihar, Patna
2. The Inspector General of Excise, Govt. of Bihar, Patna
3. The Collector-cum-District Magistrate, Saran at Chapra
4. The Superintendent of Police, Saran at Chapra
5. The Excise Superintendent, Saran at Chapra
6. The Station House Officer, Sonpur P.S. District-Saran

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Jeetendra Narayan
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 : 29-03-2019

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 Sudha Booth (Gumti) of the petitioner sealed in connection with Sonapur P.S. Case No. 1183 of 2018 registered Sections 30(a)/37(c)/38 of the Bihar Prohibition and Excise Act. The seizure list shows recovery of 17.875 liters of IMFL.



Learned counsel for the petitioner submits that as per the allegation, 17.875 liters of IMFL have been recovered from the Sudha Booth (Gumti). Further submission of learned counsel for the petitioner is that the confiscation proceeding for the property is yet to be initiated.

Having heard learned counsel for the parties and considering the facts and circumstances of the case where it is said to be a Sudha Booth (Gumti) under the seizure of more than three 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 the Sudha Booth (Gumti) of the petitioner be provisionally de-sealed and possession be handed over to the petitioner by the designated Court below 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 designated Court below. On submission of the original title deed of the property in question with the surety, the Sudha Booth (Gumti) 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 designated Court below.



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	12/04/2019
Transmission Date	NA

