

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5085 of 2019

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Sabohan Khatoon @ Sabohan Begam @ Shamida Khatoon (Female) aged about 52 years, wife of Late Aas Mohammad Ansari Resident of Village-Dhanao English, P.S. Nasriganj, District- Rohtas.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Excise, Bihar, Govt. of Bihar, Patna.
2. The Director General of Police Bihar, Patna.
3. The Inspector General of Police Shahabad Range Dehri-On- Sone, District- Rohtas.
4. The District Magistrate, Rohtas.
5. The Senior Superintendent of Police, Rohtas.
6. The Police Inspector-Cum-Incharge of Nasriganj Police Station P.S.- Nasriganj, District- Rohtas.
7. The Investigating Officer-Cum- Sub- Inspector of Police Nasriganj Police Station, District Rohtas.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Arun Kumar Singh
For the Respondent/s : Mr. Lalit Kishore (AG)

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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 : 01-04-2019

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 Nasriganj P.S. Case No. 218
of 2017 for the offences punishable under Section 30(a) of the



Bihar Prohibition and Excise Act.

Learned counsel for the petitioner submits that the seizure list shows the recovery of 2 liters of country liquor from the house. The house is the joint family property. He is the *bona fide* owner of the house in question. It is also submitted that the confiscation proceeding is pending.

Learned counsel for the State is present and 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 six months and the petitioner is ready to furnishing 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 room 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 value of the property as per the circle rate with the District Magistrate, Rohtas.



The owner of the property shall give an undertaking that she 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 room 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 District Magistrate, Rohtas.

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	10/04/2019
Transmission Date	NA

