

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8419 of 2019

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Santosh Kumar Son of Rameshwar Prasad Resident of Lahladpur, P.s. - Janta Bazar, Distt. Saran

... .. Petitioner/s

Versus

1. The State of Bihar Through 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 District - Saran.
4. The Superintendant of Police Saran

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Bishwajeet Singh
For the Respondent/s : Mr.Vikash Kumar (Sc11)

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN
and
HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL JUDGMENT
(Per: HONOURABLE MR. JUSTICE JYOTI SARAN)

Date : 02-07-2019

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 garments shop of the petitioner situated at Lahladpur P.S. Janta Bazar District Saran sealed in connection with Janta Bazar P.S. Case No. 19 of 2019 registered under sections 272, 273 of the Indian Penal Code as also sections 30(a), 38 and 41 of the Bihar Prohibition and Excise Act, 2016.



Learned counsel for the petitioner submits that as per the allegation, 2.730 litres of IMFL have been recovered from the garments shop. It is submitted that the confiscation proceeding for the property is yet to be initiated.

Considering the facts and circumstances of the case where it is said to be a garments shop under the seizure of more than five 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 shop 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 designated court below. On submission of the original title deed of the property in question with the surety, the shop 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 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 application is allowed to the extent as stated
hereinabove.

(Jyoti Saran, J)

(Partha Sarthy, J)

Prakash/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	12.07.2019
Transmission Date	NA

