

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5290 of 2019

=====

Bhushan Chaudhary, aged about 32 years Son of Ramji Choudhari Resident of Mohalla-Sengar Tola, P.S.-Revelganj, District-Saran.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Excise Department, Govt. of Bihar, Patna.
2. The Collector-cum-District Magistrate, Saran, Chapra.
3. The Superintendent of Police, Saran, Chapra.
4. The Excise Superintendent, Saran, Chapra.
5. The Subdivisional Police Officer, Chapra, Saran.
6. The Station House Officer, Revilganj, Saran.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s : Mr.Harish Kumar
For the Respondent/s : Mr.Vivek Prasad

=====

CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN

and

HONOURABLE MR. JUSTICE ARVIND SRIVASTAVA

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE JYOTI SARAN)

Date : 09-04-2019

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 unseal the House of the petitioner sealed in connection with Revelganj P.S. Case No. 197 of 2017 registered under sections 272 and 273 of the Indian Penal Code and for the offences punishable under Section 30(a) of the Bihar Prohibition and Excise Act.

Learned counsel appearing for the petitioner submits that house of the petitioner is under seizure for



more than a year and the said dwelling house is the only shelter for the petitioner and his family. He further submits that petitioner is ready to furnish adequate security for the unsealing of his house. He further submits that for alleged recovery of 5 liters of country liquor, 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 release of the house then 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 a year 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 the District Magistrate, Saran that pending finalization of confiscation proceeding pursuant to Revelganj P.S. Case No. 197 of 2017, the House of the petitioner be provisionally de-sealed and possession be handed over to him 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, Saran, Chapra. On submission of the original title deed of the property in question with the surety, the House 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.

It is, however, made clear that this unsealing of the house will be subject to the final outcome of the confiscation proceeding.

The application is allowed to the extent as stated hereinabove.

(Jyoti Saran, J)

(Arvind Srivastava, J)

mcv/-

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

