

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8628 of 2019

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Ravindar Kumar @ Rabindra Yadav S/o Chandrika Yadav R/o Village-
Chiraiyatand (Devisthan), P.S.-Jakkanpur, District-Patna

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Excise,
Govt. of Bihar, Patna
2. The District Magistrate Patna
3. The Superintendent of Police Patna
4. The Officer-in-Charge, Jakkanpur Police Station District-Patna

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Manoj Kumar, Adv.
For the Respondent/s : Mr. Vivek Prasad (Gp7)

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

Date : 05-08-2019

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 alongwith
house premises of the petitioner situated in Ward No. 29, Holding
No. 3F/INH under Police Station Jakkanpur in Patna District
sealed in connection with Jakkanpur P.S. Case No. 08 of 2018
registered under sections 30(a) of the Bihar Prohibition and Excise
Act. The seizure list shows recovery of 15 liters of IMFL.



Learned counsel for the petitioner submits that the house in question is a joint family property of the petitioner. The seizure list shows recovery of 15 liters of IMFL from the house of the petitioner. It is also submitted that the confiscation proceeding for the property in question 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.

Having heard learned counsel for the parties and considering the facts and circumstance of the case where it is said to be a residential house under the seizure of more than one and half years 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 house 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.



The owner of the property shall give an undertaking 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.

On submission of the original title deed of the property in question together with the surety and the undertaking as mentioned above, the house 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 Confiscating Authority and shall be subject to outcome in the confiscation proceeding.

The writ petition is allowed to the extent as stated hereinabove.

(Jyoti Saran, J)

(Partha Sarthy, J)

sushma/-

AFR/NAFR	NAFR
CAV DATE	NA
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