

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7450 of 2019

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Prahlad Prasad Singh, Son of Sadhu Singh, Resident of Ward number 6, Mor
(Part in Mokama), Police station- Mokama, district- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Govt. of Bihar, Patna.
2. The Chief Secretary, Govt. of Bihar, Patna.
3. The Director General of Police, Bihar, Patna.
4. The District Magistrate-cum- Collector, Patna.
5. The Senior Superintendent of Police, Patna.
6. The Excise Superintendent, Patna.
7. The Block Development Officer, Mokama, Patna.
8. Nagendra Singh, Son of not Known to the petitioner, Sub Inspector of Police
posted at Mokama Police station- cum- Investigating officer.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Arun Kumar, Adv.
For the Respondent/s : Mr. Kumar Manish, SC-5

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN
and
HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL JUDGMENT
(Per: HONOURABLE MR. JUSTICE JYOTI SARAN)

Date : 16-05-2019

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
situated in Ward No.6, Mor (Part in Mokama), P.S. Mokama,
District Patna sealed in connection with Mokama P.S. Case No.246



of 2018 registered under sections 30(a)/41(1) of the Bihar Prohibition and Excise Act, 2016.

Learned counsel for the petitioner submits that as per the allegation, 1240 litres of country made liquor and 20.625 litres of Indian Made Foreign Liquor have been recovered from the house. 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 residential house under the seizure of almost 7 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 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 designated court below. 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 designated court below.



The owner of the property shall undertake that during the pendency of the confiscation proceeding, she 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)

(Anjani Kumar Sharan, J)

skpathak/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	08.06.2019
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