

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.7915 of 2019**

=====

Lalman Singh (Male), aged about 55 years, Son of Daroga Singh, resident of Village- Anawal Tola, P.S. Kopa, District- Saran at Chapra.

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Excise and Prohibition Department, Govt. of Bihar, Patna.
2. The Principal Secretary, Excise and Prohibition Department, Govt. of Bihar, Patna.
3. The District Magistrate, Saran at Chapra.
4. The Superintendent of Police, Saran at Chapra.
5. The Station House Officer, Kopa Police Station, Saran at Chapra.

... .. Respondent/s

=====

**Appearance :**

For the Petitioner/s : Mr.Tej Pratap Singh, Advocate  
For the Respondent/s : Mr.Vivek Prasad ( GP7 )

=====

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

**Date : 20-06-2019**

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 Cattle Shed of the petitioner sealed in connection with Kopa P.S. Case No. 50 of 2017 registered under section 30(a) of the Bihar Prohibition and Excise Act. The seizure list shows recovery of 138.240 liters of IMFL.

Learned counsel for the petitioner submits that the



cattle shed in question is a joint family property of the petitioner. The seizure list shows recovery of 138.240 liters of IMFL from the cattle shed 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 cattle shed 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 cattle shed under the seizure of more than two 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 cattle shed 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.

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 cattle shed 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 designated Court below and shall be subject to outcome in the confiscation proceeding.

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

**(Jyoti Saran, J)**

**( Anjani Kumar Sharan, J)**

Nasimul/-

|                   |            |
|-------------------|------------|
| AFR/NAFR          | NAFR       |
| CAV DATE          | N/A        |
| Uploading Date    | 27-06-2019 |
| Transmission Date | N/A        |

