

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9389 of 2019

Shakuntala Devi Wife of Dhruv Prasad Resident of Village- Ward No. 1,
Kharpakwa, P.S. Mirganj, House No. 208, District- Gopalganj.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Registration Excise and Prohibition Department, Government of Bihar, Patna.
2. The District Magistrate Gopalganj.
3. The Superintendent of Police Gopalganj.
4. The Officer-in- Charge Mirganj Police Station, District- Gopalganj.
5. The Executive Officer Nagar Panchayat, Mirganj, District- Gopalganj.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Dhramveer, Adv.
For the Respondent/s : Mr. Kumar Manish, SC5

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

Date : 15-07-2019

Heard learned counsel for the petitioner and learned
counsel appearing on behalf of the State.

The petitioner who happens to be the wife of Dhruv Prasad filed this application for a mandamus directing the State respondents to release/ unseal the house of the petitioner situated at Mohalla-Galla Mandi, Mirganj, Ward No. 07, Mirganj, District- Gopalganj sealed in connection with Mirganj P.S.Case No. 57 of 2019 registered under section 30(a) and 32 of the Bihar Prohibition and Excise Act, 2016 and under Sections 272 and 273 of the Indian Penal Code.



It is submitted by learned counsel for the petitioner that on receiving secret information a raid was conducted and 14.690 litres of foreign liquor and a motorcycle which was parked in the gallery of the residential house in the name of the petitioner's husband, have been recovered from the house. It is submitted that the confiscation proceeding for the property is yet to be initiated. The petitioner's husband was taken into and continues in custody.

Considering the facts and circumstances of the case where it is said to be a residential house under the seizure of about 4 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 which is in the name of her husband 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, Gopalganj. 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 while furnishing security through his wife, the petitioner herein shall also furnish undertaking through the petitioner 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)

Bibhash

AFR/NAFR	NAFR
CAV DATE	NA
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