

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8254 of 2019

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Lakshaman Kumar S/o Late Rameshwar Saw Resident of Mohalla-Pareo,P.S.
Bihta,Dist.-Patna

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Registration, Excise and Prohibition Department Bihar,Patna
2. The Excise Commissioner, Bihar Prohibition and Excise Act.2016.
3. The Excise Officer, Bihar Prohibition and Excise Act.2016.
4. The District Collector, District-Patna,Bihar
5. The Superintendent of Police, Dist.-Patna,Bihar
6. The Officer-in-Charge of Bihta Police Station Dist.-Patna

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Jay Ram Prasad
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 JYOTI SARAN)

Date : 01-07-2019

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 sealed in connection with Bihta P.S. Case No. 502
of 2017 registered under sections 30(a)/45 of the Bihar
Prohibition and Excise Act. The seizure list shows recovery of
3.750 liters of IMFL. It is informed that confiscation case is



pending before the confiscation authority, the respondent no. 4.

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.

Considering the facts and circumstances of the case where it is said to be a residential house under seizure for 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 filing and disposal of the confiscation case, the House of the petitioner in question be provisionally unsealed 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 Collector-cum-District Magistrate, Patna. 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 he will



not deal with the property in question and shall not create any third party interest whatsoever in the meanwhile.

The writ petition is allowed with the observations and directions set out hereinabove.

(Jyoti Saran, J)

(Partha Sarthy, J)

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CAV DATE	
Uploading Date	
Transmission Date	

