

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.1550 of 2019

In
Miscellaneous Jurisdiction Case No.2446 of 2018

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Ashok Choudhary, Son of Late Birendra Choudhari, Resident of Village Garkha, P.S. Garkha, District-Saran at Chapra.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Registration Excise and Prohibition Department, Govt. of Bihar, Patna.
2. The District Magistrate cum-Collector, Saran at Chapra.
3. The Assistant Excise Commissioner, Saran at Chapra.
4. The Superintendent of Excise, Saran at Chapra.
5. The Superintendent of Police, Saran at Chapra.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Tej Pratap Singh, Advocate
For the Opposite Party/s : Mr. Vikash Kumar, SC 11

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

(Per: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD)

5 10-07-2019 In the peculiar facts and circumstances of the present case where the petitioner has moved this application seeking modification of our earlier order dated 18.07.2018 passed in M.J.C. No.2446 of 2018, we find that in the present case, the title deed of the property in question is not available with the petitioner. It is said to be a *Khatiyani* land of the petitioner and the area in question is said to be falling within the share of this petitioner on which his residential house is standing. In this regard, a report dated 02.07.2019 obtained from the Circle



Officer, Gharkha, Saran available at Annexure-A to the show cause filed on behalf of the opposite party no.2 shows that in course of inspection the Circle Officer has gathered that the land in question along with the house standing thereon exclusively belongs to this petitioner and the valuation of the property is worth Rs.14,00,000/-.

Learned counsel for the State submits that the concern of the State is to protect itself to the extent of value of the property as in case confiscation proceedings finally culminates in order of confiscation of the property, the State should be in a position to realise the amount.

Learned counsel for the petitioner at this stage submits that apart from the required undertakings and affidavits which he is willing to furnish before the District Magistrate, Saran at Chapra, he would also submit a surety bond of a local person residing within the jurisdiction of the District Magistrate, Saran at Chapra having sufficient immovable property to the extent of the value of the property in question.

In the given facts and circumstances of the case, we direct the District Magistrate, Saran at Chapra to release and unseal the house in question on the petitioner furnishing undertakings as is indicated in paragraph 6 of the supplementary



affidavit filed on behalf of the petitioner together with one surety of a local person to the extent of the value of the property in question to the satisfaction of the District Magistrate, Saran at Chapra. Rest of the order shall remain intact.

The application stands disposed of accordingly.

(Amreshwar Pratap Sahi, CJ)

(Rajeev Ranjan Prasad, J)

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