

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9764 of 2019

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Shatrughan Yadav Son of Basudeo Yadav Resident of Village- Dighiya Ward
No.-4, P.S. and District- Saharsa.

... .. Petitioner/s

Versus

1. The State of Bihar through its Principal Secretary, Deptt. of Custom and Excise, Govt. of Bihar, Patna.
2. The District Magistrate, Saharsa.
3. The Superintendent of Police, Saharsa.
4. The Officer-in-Charge, Saharsa Sadar, Saharsa.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Bidhan Chandra Jha
For the Respondent/s : Mr.Kumar Manish (Sc5)

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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 : 23-07-2019

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 Saharsa (Sadar) P.S. Case No. 1184 of 2017 registered under sections 30(a), 38(1) and 41(1) of the Bihar Prohibition and Excise Act. The seizure list shows recovery of 1197 liters of IMFL. It is informed that confiscation case is pending before the confiscation authority, the respondent no. 2.



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 joint residential house under seizure for more than one and half 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, Saharsa. 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)

sushma/-

AFR/NAFR	NAFR
CAV DATE	NA
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