

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8365 of 2019

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Naresh Chaudhary (Male), aged about 54 years, Son of Domu Choudhary
bigha Jamalpur, Sheokhpura, Police Station and District-Sheikhpura.

... .. Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Registration, Excise and Prohibition Department, Government of Bihar, Patna.
2. The District Magistrate-Cum-Collector, Sheikhpura.
3. The Superintendent of Police Sheikhpura.
4. The Excise Superintendent, Sheikhpura.
5. The Assistant Sub Inspector, Excise, Sheikhpura.

... .. Respondents

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Appearance :

For the Petitioner/s : Mr. Gajendra Kumar Singh
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 : 08-07-2019

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 (one room) of
the petitioner situated over Khata No.402, Khesra No. 516/ Khata
No. 28, Khesra No. 518, at village Bigha Jamalpur, Sheikhpura
sealed in connection with Excise Case No. 121C2/2018 registered
under section 30(a) of the Bihar Prohibition and Excise Act, 2016.

Learned counsel for the petitioner submits that as per the
allegation, 61.830 litres of IMFL have been recovered from the



house. It is submitted that the confiscation proceeding for the property is pending.

Considering the facts and circumstances of the case where it is said to be a residential house under the seizure of more than one year 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 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, Sheikhpura. 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 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)

Surendra/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	19.07.2019
Transmission Date	NA

