

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8648 of 2019

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Prince Kumar alias Munna Kumar alias Munna son of- Ramayan Sah
Resident of Village- Amthakhem (Line Bazar), Police Station- Mirganj,
District- Gopalganj.

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Excise (State), Govt. of Bihar, Patna.
2. The Principal Secretary, Excise Department, Govt. of Bihar, Patna.
3. The District Magistrate-cum- Collector, Gopalganj.
4. The Superintendent of Police, Gopalganj.
5. The S.H.O., Mirganj Police Station, Gopalganj.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Lokesh Kumar Singh
For the Respondent/s : Mr.(Gal)

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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 unseal the house of the petitioner situated
over Khata No.30, Khesra No. 124, area 1 and ½ katha sealed in
connection with Mirganj P.S. Case No. 278 of 2018 registered
under Section 272, 273 of the Indian Penal Code and 30(a),32 of
the Bihar Prohibition and Excise Act, 2016.



Learned counsel for the petitioner submits that as per the allegation, 16 litres of country liquor and 2.250 litres of India made foreign liquor 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 about 9 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 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 shall also furnish undertaking 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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