

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9506 of 2019

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Ramesh Singh S/o- Late Ram Bahadur Singh R/o Village- Pahsara, P.S.-
Naokothi, District- Begusarai.

... .. Petitioner/s

Versus

1. The State of Bihar through Principle Secretary, Excise Department, Govt. of Bihar, Patna.
2. The District Magistrate, Begusarai.
3. The Superintendent of Police, Begusarai.
4. The Officer In-charge- Naokothi Police Station, Begusarai.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Shubhesh Pandey
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 PARTHA SARTHY)

Date : 18-07-2019

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 petitioner situated in village-Pahsara under Naokothi Police Station in the District of Begusarai in connection with Naokothi P.S. Case No. 51 of 2018 registered under section 30(a) of the Bihar Prohibition and Excise Act. The seizure list shows recovery of 65.40 liters of IMFL from the house and a total of 14.620 litres of IMFL from two motorcycles which were parked



nearby.

Learned counsel for the petitioner submits that the house in question is a joint family property of the petitioner. The seizure list shows recovery of 65.40 liters of IMFL from the house of the petitioner and a total of 14.620 litres of IMFL from two motorcycle, which were parked nearby. It is submitted that the confiscation proceeding for the property is yet to be initiated.

Considering the facts and circumstances of the case where it is said to be a residential house under the seizure of more than one month 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 designated court below. 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 designated court below.

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)

sushma/-

AFR/NAFR	NAFR
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