

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9238 of 2019

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Ram Bharose Sharma @ Ram Bharosi Tanti, aged about 70 years (Male), S/o
Shanti Sharma Resident of Village-Kamalpur,P.S. Bangaon,Dist.-Saharsa

... .. Petitioner

Versus

1. The State of Bihar through the Principal Secretary,Department of Bihar Prohibition and Excise Act, Govt. of Bihar,Patna
2. The Commission of Bihar Prohibition and Excise Act, Patna
3. The Divisional Commissioner, Saharsa
4. The District Magistrate, Saharsa
5. The Superintendent of Police, Saharsa
6. The Superintendent of Excise, Saharsa
7. The Deputy Superintendent of Police, Saharsa,Sadar
8. The Station House Officer Saharsa Sadar Police Station,Saharsa

... .. Respondents

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Appearance :

For the Petitioner/s : Mr .Pramod Mishra
For the Respondent/s : Mr. Vikash Kumar (Sc11)

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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 : 15-07-2019

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 Bangaon P.S.Case No. 132/2018
registered under section 30(a) of the Bihar Prohibition and Excise
Act, 2016.



Learned counsel for the petitioner submits that as per the allegation, 318.24 litres of 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 more than six 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, 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 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	27.07.2019
Transmission Date	NA

