

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10044 of 2019

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Rajesh Kumar Gupta @ Rajesh Kumar Sah Son of Ganga Sao @ Ganga Sah
Resident of Village-Parsathua, P.S.-Parsathua, District-Rohtas.

... .. Petitioner/s

Versus

1. The State of Bihar, through the Principal Secretary, Department of Excise, Government of Bihar, Patna.
2. The District Magistrate, Rohtas at Sasaram.
3. The Superintendent of Police, Rohtas at Dehri-on-Sone.
4. The District Excise Officer, Rohtas at Sasaram.
5. The S.H.O. Kochas (Parsathua) Police Station, District-Rohtas.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Rajani Kant Singh, Advocate
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 : 01-08-2019

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 Hotel (Tea Stall) of the
petitioner sealed in connection with Kochas (Parsathua) P.S. Case
No. 87 of 2018 registered under sections 30(a), 34 and 35 of the
Bihar Prohibition and Excise Act, 2016.

Learned counsel for the petitioner submits that as per the
allegation, 750 ml. of IMFL have been recovered from the house.



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 Hotel (tea shop) 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 Hotel (tea shop) 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, Rohtas at Sasaram. 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)

Prakash/-

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	

