

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10581 of 2019

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Achyutanand Prasad Singh S/o Late Bharat Prasad Singh Resident of
Mohalla-Raghuram Tola (Aunta),P.s. Mokama,Dist.-Patna

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary,Department of Excise
Govt. of Bihar,Patna
2. The District Magistrate, Patna
3. The Senior Superintendne of Police, Patna
4. The Deputy Superintendent of Police, Patna Sadar,Patna
5. The Station Head Officer (S.H.O.) Gopalpur jPolice Station,Patna

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Onkar Nath

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 JYOTI SARAN)

Date : 06-08-2019

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 unseal the house of the petitioner situated
over Tauzi No.229, Khata No.304, Plot No.1563(Part), Thana No.
14, Sub Plot No.17, area 2145 sq.ft. sealed in connection with
Gopalpur P.S.Case No. 107 of 2017 registered under section 30(a)
of the Bihar Prohibition and Excise Act, 2016.



Learned counsel for the petitioner submits that as per the allegation, 558 litres of India made foreign liquor 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 residential house under the seizure of more than two years 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 at Patna. 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 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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