

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10949 of 2019

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Ramesh Kumar Son of late Nagendra Sah @ Nagendra Prasad R/o Parari, P.S.
Punaura, District- Sitamarhi.

... .. Petitioner/s

Versus

1. The State of Bihar, through the Principal Secretary, Registration, Excise and Prohibition Department, Govt. of Bihar, Patna.
2. The District Magistrate, Sitamarhi.
3. The Superintendent of Police, Sitamarhi.
4. The Station House Officer of Punaura Police Station, District- Sitamarhi.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Ashok Kumar Jha, Advocate
For the Respondent/s : Mr.Kumar Manish (SC5)

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
and

HONOURABLE MR. JUSTICE PARTHA SARTHY

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE SHIVAJI PANDEY)

Date : 26-08-2019

Heard learned counsel for the petitioner and learned
counsel for the State.

This application has been filed for directing the State respondents to unseal one room of the house of the petitioner situated over Khata No.498, Khesra No.3035 (Part), 3096 (Part) and 3097 (Part) in village-Parari, P.S.- Punaura in the District of Sitamarhi sealed in connection with Punaura P.S. Case No. 11 of 2018 registered under Sections 272, 273 and 34 of the Indian Penal Code and Section 30(A) of the Bihar Prohibition and Excise Act, 2016.



Learned counsel for the petitioner submits that as per the allegation, 15 litres of IMFL have been recovered from the room of the house of the petitioner. 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 room of residential house under the seizure of more than nine 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 room of 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. On submission of the original title deed of the property in question with the surety, the room in 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.

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.

(Shivaji Pandey, J)

(Partha Sarthy, J)

V.K.Pandey/-

AFR/NAFR	N.A.F.R.
CAV DATE	N.A.
Uploading Date	29.08.2019
Transmission Date	N.A.

