

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14492 of 2019

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Ranjana Devi W/o Niranjan Singh Resident of Village Samay,PS
Mufassil,Dist.Nawada

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary,Excise Department, Govt. of Bihar,Patna
2. The District Magistrate, Nawada
3. The Superintendent of police, Nawada
4. The Officer-in-Charge, Mufassil Police Station,Dist.Nawada.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Man Mohan Kumar
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 : 25-07-2019

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
who is wife of Naranjan Singh, situated in village- Samay, sealed
in connection with Mufassil P.S. Case No.156 of 2018 registered
under Sections 414, 467, 468, 34 of the Indian Penal Code and
under Section 30(K)(Gh) of the Bihar Prohibition and Excise Act,
2016.



Learned counsel for the petitioner submits that as per the allegation, 400 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 ten 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, Nawada. 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 while furnishing security shall also furnish undertaking that during the pendency of the



confiscation proceeding, she 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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