

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7108 of 2019

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Amarjeet Mahto @ Amarjit Kumar age 22 years, Gender - male, Son of
Jamadar Mahto, Resident of Village- Dewariya, Police Station- Revilganj,
District- Saran.

... .. Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Excise Department,
Government of Bihar, Patna.
2. The District Magistrate, Saran.
3. The Superintendent of Police, Saran.
4. The Officer Incharge, Revilganj, District- Saran.

... .. Respondents

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Appearance :

For the Petitioner/s : Mr. Sanjay Kumar, Adv.
For the Respondent/s : Mr. Vivek Prasad, GP 7

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN
and
HONOURABLE MR. JUSTICE ARVIND SRIVASTAVA
ORAL ORDER

(Per: HONOURABLE MR. JUSTICE JYOTI SARAN)

2 09-04-2019 Matter is posted for consideration of the office note but

on call Mr. Sarva Deo Singh, learned Counsel for the petitioner

informs that the defect has since been removed.

With the consent of the parties thus, the writ petition
itself has been taken on Board for disposal on merits.

Heard the parties.

This application has been filed for a direction to the State
respondents to release/unseal the room of the Baba hotel of the
petitioner situated on NH-85 sealed in connection with
Revilganj P.S.Case No. 298/2018 registered under section 30(a)
of the Bihar Prohibition and Excise Act, 2016.



Learned Counsel for the petitioner submits that as per the allegation, 1.620 litres of IMFL has been recovered from the room of the hotel. 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 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 room of the hotel 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 below, Saran at Chapra. On submission of the original title deed of the property in question with the surety, the room of the hotel 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 court below and shall be subject to outcome of the confiscation proceedings.

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)

(Arvind Srivastava, J)

Archana/
Surendra/-

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