

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.19360 of 2018

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Lallan Chaudhary Son of Bangali Chaudhary, resident of Village- Bidesi Tola,
P.S.- Thawe, District- Gopalganj.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The District Magistrate, Gopalganj.
3. The Superintendent of Police, Gopalganj.
4. The S.H.O. of Thawe Police Station, District- Gopalganj.
5. The Investigating Officer of Thawe P.S. Case No. 69/2018, Police Station-
Thawe, District- Gopalganj

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Upendra Yadav
For the Respondent/s : Mr.Vikash Kumar- Sc11

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

ORAL JUDGMENT
(Per: HONOURABLE MR. JUSTICE JYOTI SARAN)

Date : 08-04-2019

Heard learned counsel for the petitioner and learned
counsel appearing on behalf of the State.

This application has been filed for a direction in the
nature of Mandamus to unlock / de-seal the house of the petitioner
situated at Village Bideshi Tola under Thawe Block in the district
of Gopalganj, Khata No.128, Khesra No.744, Area 6-19-1 and
Khata No.3, Khesra No.10, Area 3-17-17 which has been seized in
connection with Thawe P.S. Case No.69 of 2018 registered for the



offence under Section 30(a), 35, 38 of the Bihar Excise and Prohibition Act, 2016.

It has been submitted that on recovery of 34.56 litres of IMFL, the house, in question has been put under lock. It has also been submitted that confiscation proceeding against the house in question is pending.

Having heard learned counsel for the parties and considering the nature of recovery made, the Collector-cum-District Magistrate, Gopalganj is directed to de-seal the house in question and to hand over its possession to the petitioner on the petitioner depositing the original title deed of the property in question or the property in the name of the petitioner situated within the district as security together with one surety to the extent of value of the property as per the circle rate with the collector-cum-District Magistrate, Gopalganj. The title deed deposited by the petitioner shall be kept in safe custody of the Confiscating Authority.

The owner of the property shall give an undertaking that during the pendency of the confiscation proceeding, he will not deal with the property in question nor create any third party interest whatsoever.



Let the possession of the house in question be handed over to the petitioner within 14 days of discharge of obligation by the petitioner as noted above.

The writ petition is allowed to the extent as stated hereinabove.

(Jyoti Saran, J)

(Arvind Srivastava, J)

sanjeev/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	17/04/2019
Transmission Date	NA

