

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.19967 of 2019

Dudheshwar Singh Son of Budhu Singh@ Budhan Singh, Resident of Village-Timal Bigha, P.S. Jamhore, District- Aurangabad.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Registration, Excise and Prohibition, Government of Bihar.
2. The Excise Commissioner, Bihar, Patna.
3. The Collector-Cum-The District Magistrate, Aurangabad.
4. The Superintendent of Police, Aurangabad.
5. The Circle Officer, Obra, Aurangabad.

... .. Respondent/s

Appearance :

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

CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
and

HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE SHIVAJI PANDEY)

Date : 20-12-2019

Let Supplementary affidavit filed on behalf of the petitioner be kept on record.

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 shop of the petitioner situated over Thana No. 104, Khata No. 41, Khesra No. 516,



Mauza-Checheni, District-Aurangabad sealed in connection with Excise Case No. 46 of 2019 arising out of Jamhore P.S. Case No. 103/2018 registered under section 30(a) of the Bihar Prohibition and Excise Act, 2016.

Learned counsel for the petitioner submits that as per the allegation, 6.400 litres of IMFL have been recovered from the shop of the petitioner. It is submitted that the confiscation proceeding for the property has already been initiated.

Considering the facts and circumstances of the case where it is said to be a shop under the seizure of more than fifteen 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 shop of the petitioner be provisionally de-sealed and possession be handed over to the petitioner on the petitioner's depositing Rs. 25,000/- as security with the District Magistrate, Aurangabad. The shop shall be de-sealed and possession be handed over within three weeks.

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)

(Anjani Kumar Sharan, J)

V.K.Pandey/-

AFR/NAFR	N.A.F.R.
CAV DATE	N.A.
Uploading Date	21.12.2019
Transmission Date	N.A.

