

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.19826 of 2019

Om Prakash Singh, age about 30 years, Gender-Male, S/O. - Birda Singh @
Birda Khalifa Singh, R/O. village- Nathanpura, P.S.- G.B. Nagar (Tarwana),
Dist. - Siwan.

... .. Petitioner/s

Versus

1. The State of Bihar, through the Principal secretary Excise Department,
Government of Bihar, Patna.
2. The Divisional Commissioner, Saran at Chapra.
3. The District Magistrate cum collector, Siwan.
4. The Superintendent of police, Excise, Siwan.
5. The Investigating officer of Excise case no. C-III 44/2019, Siwan.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Ajay Kumar Singh
For the Respondent/s : Mr.Vikash Kumar (Sc11)

CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY

and

HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN

ORAL ORDER

(Per: HONOURABLE MR. JUSTICE SHIVAJI PANDEY)

2 16-12-2019 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 situated over Mauja Nathanpura, Thana No.532, Tauji No. 1361, Khata No.201, Serve No. 866, Rakba 1 Khatta 17 Dhur sealed in connection with Excise Case No. C-III 44/2019 registered under section 30(a) of the Bihar Prohibition and Excise Act, 2016.

Learned counsel for the petitioner submits that as per the allegation, 173.13 liters of India made foreign liquor have



been recovered from the house. 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 residential house under the seizure of about 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 seal the house of the petitioner be provisionally removed and possession be handed over to the petitioner on furnishing proper surety proportionate to the value of the property as per the circle rate to the satisfaction of the District Magistrate, Siwan. On furnishing the surety, the seal of the house would be removed and possession be handed over within one week thereof.

It is made clear that the seal of the house would be removed subject to the condition the petitioner obtains bail in the present criminal case.

The owner of the property while furnishing security shall also furnish undertaking that during pendency of the confiscation proceeding, he will not create any third party right over the property in any manner by way of sale, lease or license



or in any other method.

The application is allowed to the extent as stated
herein above.

(Shivaji Pandey, J)

(Anjani Kumar Sharan, J)

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