

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9534 of 2018

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Sameer Kumar @ Sameer Kr. Pandey son of Rameshwar Pandey 'Patang',
Resident of Village and P.O.- Baghari, District- Sitamarhi.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Excise Commissioner, State of Bihar, Patna.
3. Additional Commissioner, Excise, State of Bihar, Patna.
4. Excise Superintendent, District- Sitamarhi.
5. Excise Deputy Superintendent, District- Sitamarhi.
6. Sub- Inspector Excise, District- Sitamarhi.
7. District Magistrate, District- Sitamarhi.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Ajay Kr Singh No.1
For the Respondent/s : Mr.Vivek Prasad -GP7

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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 : 25-02-2019

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

This application has been filed for directing the
State respondents to release/unseal one of the rooms of his
house constructed on plot Khata No. 926, Khesra No. 635
measuring an area of 4 decimals situated at Mouza Baghari,
Runni Saidpur, District Sitamarhi, which has been sealed in
connection with Pupri P.S. Case No. 199 of 2017 registered
under sections 30 (A), 37(b)(c), 38 and 41 of the Bihar



Prohibition and Excise Act.

It is stated by learned counsel for the petitioner that confiscation proceeding is yet to be initiated and the room from where seizure has been made was let out on rent. The seizure list reflects the seizure of 750 ml of I.M.F.L.

Considering the facts and circumstances of the case where it is said to be a residential house under seizure 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, as and when initiated, pursuant to Pupri P.S. Case No. 199 of 2017, the room in question 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, Sitamarhi. On submission of the original title deed of the property in question with the surety, the room of 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 designated



Court below.

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)

mcv/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	08.03.2019
Transmission Date	NA

