

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17128 of 2018

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Sonu Kumar @ Nitesh Kumar S/o Sri Surendra Prasad, resident of
Mohalla- Barkurva Gali Prajapati Gali, P.S.- Kaji Mohammadpur, District
Muzaffarpur.

... .. Petitioner/s

Versus

1. The State Of Bihar and Ors
2. The Excise Superintendent, Muzaffarpur.
3. The Inspector, Excise, Muzaffarpur.
4. The Sub- Inspector, Excise, Muzaffarpur.
5. The District Magistrate cum Collector, Muzaffarpur.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Lakmesh Marvind, Adv.
For the Respondent/s : Mr. Vikash Kumar - SC-11

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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 for the State.

This application has been filed for a direction in the nature of mandamus to unlock the Mobile Shop of the petitioner situated in Ward No. 25, Prajapati Gali, P.O.- Ramna P.S.- Kaji Mohammadpur, District- Muzaffarpur, which has been seized in connection with Excise Case No. 107 of 2018, P.R. No. 10 of 2018-19 for the offence punishable under Section 30(a) and 38 of Bihar Prohibition and Excise Act, 2016.



It is stated by learned counsel for the petitioner that confiscation proceeding is pending and the Mobile shop in question was taken on rent. The seizure list reflects the seizure of 1.700 litres of IMFL.

Having heard learned counsel for the parties and considering the nature of recovery made, the respondent No.5- The District Magistrate-cum- Collector, Muzaffarpur is directed to de-seal the Mobile shop in question and to hand over its possession to the petitioner on the petitioner depositing the original title deed of the property in the name of the owner of the petitioner's Mobil Shop 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 District Magistrate, Muzaffarpur. The title deed deposited by the petitioner/ owner of 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 shop in question be handed over to the petitioner within 14 days of discharge of obligation by the petitioner as noted above.

The application is allowed to the extent as stated hereinabove.

(Jyoti Saran, J)

(Arvind Srivastava, J)

brajesh/-

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	

