

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.19438 of 2018

1. Sujit Kumar @ Sujit Kumar Mehta and Anr Son of Late Rajendra Kumar Mehta,
2. Sumitra Devi, Wife of Late Rajendra Kumar Mehta, Both residents of Village- Chainpura, Patna City, P.S.- Bypass, Dist- Patna.

... .. Petitioner/s

Versus

1. The State Of Bihar through the Principal Secretary, Excise Department
2. The District Magistrate cum Collector, Patna.
3. The Assistant Excise Commissioner, Patna.
4. The Senior Superintendent of Police, Patna.
5. The Station House Officer, Chowk Police Station.
6. The Circle Officer, Patna Sadar.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Sunil Kumar
For the Respondent/s : Mr.Vikash Kumar- SC 11

CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN

and

HONOURABLE MR. JUSTICE ARVIND SRIVASTAVA

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE JYOTI SARAN)

Date : 08-04-2019

None appears for the petitioner. Learned counsel representing the State is present.

This application has been filed for directing the State respondents to provisionally unseal the House of the petitioner sealed in connection with Chowk P.S. Case No. 89 of 2016 (Confiscation Case No. 19 of 2016-17) registered under sections 272, 273 of the Indian Penal Code and for the offences punishable under Section 47(A)/52/54/57/63 of



the Bihar Excise and Prohibition Act.

Learned counsel appearing for the State informs that the matter related to seizure of house from where about 46.20 liters of Beer was recovered giving rise to the police case in question. He further informs that from the record it transpires that the confiscation proceeding is pending.

Considering the facts and circumstances of the case where it is said to be a house under seizure for more than two years, following the consistent views of the Division Bench of this Court, we direct that pending finalization of Confiscation Case No. 19 of 2016-17 arising out of Chowk P.S. Case No. 89 of 2016, let the Confiscating Authority provisionally de-seal the house of the petitioner 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 Collector, Sitamarhi to safeguard the interest of the State. On submission of the original title deed of the property in question with the surety, 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 Confiscating Authority.

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.

This provisional unsealing of the house would, however, be subject to the final outcome of the confiscation proceeding.

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	14.04.2019
Transmission Date	NA

