

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.4133 of 2018

In
Criminal Writ Jurisdiction Case No.1452 of 2018

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Veena Devi W/o- Bhim Prasad Singh, resident of Ward No. 03, Ramnagar,
P.S. Ramnagar, Khawan District Madhepura at temporary resident of Flat No.
204, Wazir Apartment, New Patliputra Colony, P.S. Patliputra.

... .. Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Excise Department,
Bihar, Patna.
2. The Inspector General of Bihar, Home Department, Government of Bihar,
Patna.
3. The Director General of Police, Home Department, Government of Bihar,
Patna.
4. The Superintendent of Police, Patna Range, Patna.
5. The S.H.O. Patliputra Police Station, Patna.
6. The Investigating Officer, Patliputra Police Station, Patna.
7. Wazir and Singh Construction(P) Ltd., 202, Ashiana Towers, Exhibition
Road, Patna-800001

... .. Opposite Parties

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Appearance :

For the Petitioner/s	:	Mr.Sanjay Kumar @ Manu, Advocate Mr. Raj Kishore Prasad, Advocate
For the State	:	Mr. Rewti Kant Raman, A.C.to S.C.-11

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

9 23-08-2019 Heard learned counsel for the petitioner and learned
counsel representing the State.

The present application has been preferred seeking
modification of the order dated 12.09.2018 passed in Cr.W.J.C.
No. 1452 of 2018. By the said order, this Court had directed for
provisional unsealing/opening of that particular room of Flat
No. 204 situated in Wazir Apartment at New Patliputra Colony



in which about 59 litres of illicit liquor were recovered. It appears that in the order dated 12.09.2018 the quantity of illicit liquor was wrongly typed as 59.625 ml., in fact it is in litres.

Learned counsel for the petitioner submits that this Court while directing the provisional unsealing of the room had imposed a condition where the petitioner was required to submit the original title deed of property in question with one surety to the extent of the value of the property. It is submitted that the flat in question has not yet been registered by the builder. The builder was impleaded in this case as opposite party no. 7 and when an attempt made to serve notice upon the builder failed, the petitioner has effected substituted service of notice by paper publication. A supplementary affidavit in proof of publication of notice in the newspaper has been filed on behalf of the petitioner. It is submitted that in absence of the registration of the flat, it is not possible to provide the original title deed of the property in question though the petitioner is ready to provide any other security in form of bank guarantee or immovable property of his village.

Learned counsel for the State submits that in the given circumstance, in order to protect the interest of the State, this Court may direct the petitioner to furnish a bank guarantee.



Having heard learned counsel for the petitioner and learned counsel representing the State, in the given facts and circumstances of the case where there is no original title deed of the flat in question and considering that it is a residential flat and the petitioner is an old aged lady facing hardship because of the sealing of the room, this Court directs that in case the petitioner furnishes a bank guarantee of Rs. 4,00,000/- the room in question shall be provisionally unsealed and possession be handed over to the petitioner immediately after submission of the bank guarantee. The other conditions as contained in the order dated 12.09.2018 passed in Cr.W.J.C. 1452 of 2018 shall remain intact.

The application stands disposed off accordingly.

(Rajeev Ranjan Prasad, J)

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