

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16204 of 2021

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Sona Devi, Wife of Late Raj Kumar Singh, Resident of Dhobi Tola Shiv Gali,
Police Station - Rajgir, District- Nalanda.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Registration Excise and Prohibition Department, Government of Bihar, Patna.
2. The Excise Commissioner, Bihar, Prohibition and Excise Act, 2016.
3. The Excise Officer, Bihar Prohibition and Excise Act. 2016.
4. The District Collector, District Nalanda, Bihar.
5. The officer - in - Charge of Rajgir Police Station, District- Nalanda.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Sanju Singh, Advocate
For the Respondent/s : Mr.Manish Kumar (SC5)

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE S. KUMAR

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE S. KUMAR)

(The proceedings of the Court are being conducted through Video Conferencing and the Advocates joined the proceedings through Video Conferencing from their residence.)

Date : 21-09-2021

Heard learned counsel for the parties.

Petitioner has prayed for the following relief(s).

“(i) For issuance of an appropriate writ/writs, order/orders direction/directions directing the respondents to release the house of the petitioner which is situated at Mohalla- Dhobi Tola Gali Shiv

Gali, Police Station- Rajgir, District- Nalanda, bearing Tauzi No. 12569, Thana No. 485, old holding No. 581 an area of 600 sq. ft., which has seized by the Rajgir Police Station Rajgir Police Station case No. 99 of 2021 for the offences punishable under Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

(ii) For grant any other relief/reliefs which the petitioner may found to be entitled in the facts and circumstances of the case.”

Allegation is of recovery of 3.400 litre of illicit liquor from the house of petitioner which is a joint family property.

It is submitted on behalf of petitioner that he is owner of the sealed premises. It is further submitted that confiscation proceeding has not been concluded as a result of which his house remains sealed.

In the facts and circumstances of the present case, the **Confiscating Authority/District Collector, Nalanda**, is directed to provisionally unseal the sealed house of the petitioner except the room/floor from where illicit liquor was recovered and possession to be handed over to the petitioner on furnishing adequate surety to the extent of value of the property, in question, as per the circle rate with the concerned District Collector, or Confiscating Authority.

Petitioner shall also file an undertaking that during

pendency of confiscating proceeding, no third party right or interest will be created on the property liable for confiscation.

With aforesaid observation and direction, the writ petition stands disposed of.

(Sanjay Karol, CJ)

(S. Kumar, J)

veena/rajiv

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