

(2019) 08 PAT CK 0048

In the Patna High Court

Case No : Civil Writ Jurisdiction Case No. 11070 Of 2019

Ram Dayal Singh

APPELLANT

Vs

State Of Bihar through Its Principal Secretary And Ors

RESPONDENT

Date of Decision : 26-08-2019

Acts Referred:

Bihar Prohibition And Excise Act, 2016 — Section 30(A)

Citation : (2019) 08 PAT CK 0048

Hon'ble Judges : Shivaji Pandey, J;Partha Sarthy, J

Bench : Division Bench

Advocate : Chhote Lal Mishra, Vikash Kumar

Final Decision : Allowed

Judgement

Counsel for the petitioner is permitted to make necessary correction in the body of the petition in course of the day.

Heard learned counsel for the petitioner and learned counsel for the State.

This application has been filed for directing the State respondents to unseal the 'Dalan' of the petitioner situated over Khata No.26 in village-Saraiya, P.S.- Dhansoi in the District of Buxar sealed in connection with Case No. 148 (O) of 2018 registered under Section 30(A) of the Bihar Prohibition and Excise Act, 2016.

Learned counsel for the petitioner submits that as per the allegation, 95.04 litres of India made foreign liquor (IMFL) have been recovered from the 'dalan' of the petitioner. It is submitted that the confiscation proceeding for the property is yet to be initiated.

Considering the facts and circumstances of the case where it is said to be 'Dalan' of the petitioner under the seizure of more than eleven months 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 the 'Dalan' 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 designated court. On submission of the original title deed of the property in question with the surety, the 'Dalan' 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.

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.