

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.3430 of 2019**

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Ram Ekval Paswan (Male) aged about 63 years, Son of Jagdev Paswan,  
R/o village- Ram Nagar Virta Tola, Ward No. 16, P.S.- Riga, District-  
Sitamarhi.

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Department of Excise,  
Bihar, Patna.
2. The District Magistrate, Sitamarhi.
3. The Superintendent of Police, Sitamarhi.
4. The Excise Superintendent, Sitamarhi.
5. The Sub- Inspector, Excise at Sitamarhi.

... .. Respondent/s

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**Appearance :**

For the Petitioner/s : Mr. Shankar Kumar, Adv.

For the Respondent/s : Mr. Kumar Manish (SC-5)

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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 : 28-02-2019**

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 unseal the land of the petitioner bearing Khata No. 88,  
Survey No. 133 area about 0.80 decimal situated in village- Ram Nagar,  
Virta Tola, Ward No. 16, P.S.- Riga, District- Sitamarhi which has been  
sealed in connection with Riga P.S.- Case No. 257 of 2017 instituted for  
the offences under Sections 272 and 273 of the Indian Penal Code and  
Section 30(A) of the Bihar Prohibition and Excise Act, 2016.

Learned counsel for the petitioner submits that on recovery of  
4 litres of country made liquor, the land in question has been sealed. He



further informs that no confiscation proceeding is pending in respect of the land in question.

Having heard learned counsel for the parties and considering the nature of recovery made, the designated Court below at Sitamarhi is directed to de-seal the land in question and to hand over its possession to the petitioner on the petitioner depositing the original title deed of the property in question in the name of the petitioner 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 designated Court at Sitamarhi. The title deed deposited by the petitioner shall be kept in safe custody of the Court below.

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 land in question be handed over 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	NAFR
CAV DATE	NA
Uploading Date	11.03.2019
Transmission Date	

