

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4575 of 2018

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Lallan Maghi @ Lalan Manjhi, son of late Shivrath Maghi @ late Shivrath
Manjhi, R/o- Village- Raipura, P.S. Bheldi, District- Siwan at Chapra

... .. Petitioner/s

Versus

1. The State of Bihar through the Commissioner Excise Department, State of Bihar, Patna
2. The Collector cum District Magistrate, Siwan
3. The Superintendent of Police, Siwan
4. The Officer-in-Charge of Bheldi Police Station, District- Siwan

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Tribhuwan Narayan, Advocate
For the Respondent/s : Mr. A.K. Sinha- GA1

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD

ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

2 27-03-2018 Respondents to file counter affidavit within four weeks.

Having heard learned counsel for the parties, we find that the dwelling house of the petitioner has been confiscated vide order dated 15.07.2017 passed in Confiscation Case No. 133 of 2017 by the District Magistrate cum Collector, Saran at Chapra, which was sealed by the police officials in connection with Bheldi P.S. Case No. 74 of 2017 registered due to violation of the Excise Act.

The issue in question with regard to power of the District Magistrate to confiscate has been referred to the Larger Bench in L.P.A. No. 1647 of 2015. Since the very issue is pending



consideration before the Larger Bench, we deem it appropriate to direct the District Magistrate-cum-Collector, Saran at Chapra to ensure that the house in question mentioned hereinabove, is unsealed and possession handed over to the petitioner on his furnishing original title deed of the property in question and two local sureties to the satisfaction of the District Magistrate, Saran at Chapra in connection with the aforementioned case, subject to the condition that the petitioner shall not alienate or deal with the house in question in any manner so as to create a third party interest or prejudice the right of the State in confiscation proceedings. The house of the petitioner shall be unsealed and possession handed over to the petitioner within a period of one week from the date of furnishing of the original title deed and sureties.

List the matter for analogous hearing along with L.P.A. No. 1647 of 2015.

(Rajendra Menon, CJ)

(Rajeev Ranjan Prasad, J)

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