

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.8020 of 2018

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Kalu Manjhi @ Kallu Manjhi, S/o Late Inardev Manjhi @ Indradeo Manjhi,
resident of Village- Shekhpura Bhathi, P.S.- Amnour, District- Saran.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Excise Department, Govt. of Bihar, at Patna.
2. The District Magistrate Saran at Chapra.
3. The Superintendent of Police, Saran at Chapra.
4. The Officer-in- Charge Amnour Police Station District- Saran.
5. The Sub Divisional Officer, Marhourah, District- Saran.
6. The Circle Officer Amnour, District- Saran.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Anant Kumar Bhaskar, Advocate
For the Respondent/s : Mr. Kumar Manish -SC5

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD

ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

2 15-05-2018 Respondents to file counter affidavit within four weeks.

Having heard learned counsel for the parties, we find that the residential house/land of the petitioner bearing



Khata No. 139, Plot No. 877, Mauja Shekhpur, P.S. Amnour, District- Saran, area 4 Katha, 18 Dhur, 5 Dhurki has been confiscated by the District Magistrate-cum-Collector, Saran at Chapra vide order dated 08.12.2017 passed in Confiscation Case No. 89/2017, arising out of Amnour P.S. Case No. 44/17 registered due to violation of the Excise Act.

The issue in question with regard to power of the District Magistrate to confiscate the vehicle/property 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, if not already auctioned, 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)

P.K.P./-

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