

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9665 of 2019

1. Satrughan Paswan S/o Late Horo Paswan @ Hari Narayan Paswan Resident of Village-Paira, Post-Paira Matihana, PS-Sono, Dist.-Jamui.
2. Rupan Paswan S/o Hori Paswan Resident of Village-Paira, Post-Paira Matihana, PS-Sono, Dist.-Jamui.
3. Bhola Paswan S/o Arjun Paswan Resident of Village-Paira, Post-Paira Matihana, PS-Sono, Dist.-Jamui.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Registration, Exercise and Prohibition, Government of
2. The Excise Commissioner, Bihar, Patna
3. The District Collector-Cum-District Magistrate, Jamui
4. The State of Bihar Through the Director General of Police, Bihar
5. The Superitendent of Police Jamui
6. The Station House Officer, SONO Police Station, Dist. Jamui

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Pankaj Kumar Sinha, Advocate
For the Respondent/s : Mr.Kumar Manish (Sc5)

CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN

and

HONOURABLE MR. JUSTICE PARTHA SARTHY

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE JYOTI SARAN)

Date : 22-07-2019

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

The petitioners in the instant application have
challenged the order dated 08.02.2019 passed by the District
Collector-cum-District Magistrate, Jamui in Confiscation Case No.
3 of 2016 which arises from Sono P.S. Case No. 61 of 2018
(District Jamui) registered under sections 272 and 273 of the



Indian Penal Code and section 47(a) of the Bihar Prohibition and Excise Act, 2016. It is submitted that as per the allegation in the F.I.R, 50 litres each of Mahua wine was recovered from the three houses belonging to the three petitioners. However, it is further submitted that the houses have not been sealed. But by the impugned order dated 08.02.2019 passed in Confiscation Case No. 3 of 2016 the District Magistrate, Jamui has passed orders to take steps for auction of the three houses and the land appertaining there to.

Learned Counsel for the petitioners submits that for the present he would not be pressing the relief for quashing of the order dated 08.02.2019 passed by the Collector-cum-District Magistrate, Jamui in Confiscation Excise Case No. 2 of 2016. He however, submits that liberty may be granted to the petitioners to challenge the confiscation order in an appropriate jurisdiction by filing an appeal before the Commissioner within a period of 30 days from today.

In the circumstance noted where final orders have been passed in the confiscation proceedings, we grant liberty to the petitioners to challenge the order of confiscation before the appellate authority within a period of 30 days from today. In case such an appeal is preferred within the aforesaid period together



with an application for condonation of delay, the appellate authority shall consider the same keeping in mind that the petitioners were prosecuting their remedy before this Court and the appeal shall be heard on its own merit and disposed of expeditiously.

Taking into consideration that the orders have been passed for taking steps for auction sale of the residential house and it is submitted on behalf of the petitioners that they are 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 in case the petitioners prefer an appeal before the Commissioner within a period of 30 days, the possession of the petitioners over their respective residential houses shall not be disturbed during pendency of the appeal. We direct that the petitioners shall deposit 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 District Magistrate, Jamui i.e. the Confiscating Authority. The same shall also be done within a period of 30 days from today. On submission of the original title deed of the property in question with the surety together with filing of the appeal before the appellate authority, the possession of the petitioners over their respective house shall not be disturbed.



The title deed deposited by the petitioners shall be kept in safe custody of the Confiscating Authority

The petitioners i.e. owners of the property shall undertake that during the pendency of their appeal, they will not deal with the property in question and shall not create any 3rd party interest whatsoever.

In case the petitioners do not file appeal within the above mentioned period further steps may be taken.

The writ petition is disposed of with the directions/observations above.

(Jyoti Saran, J)

(Partha Sarthy, J)

Prakash/-

AFR/NAFR	NAFR
CAV DATE	
Uploading Date	31.07.2019
Transmission Date	

