

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.20408 of 2021

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Binodanand Jha S/o Late Shiv Nandan Jha, R/o C-89, Road No. 9, Gandhi Vihar Police Colony, Anisabad, P.S. - Gardanibagh, District - Patna.

... .. Petitioner/s

Versus

1. The State of Bihar, Patna.
2. The Principal Secretary, Excise and Prohibition Department, Govt. of Bihar, Patna.
3. The District Magistrate, Patna.
4. The Senior Superintendent of Police, Patna.
5. The Superintendent of Police, Patna (West).
6. The Station House Officer, Rupaspur Police Station, Patna.
7. The Investigating Officer, Rupaspur P.S. Case No. 159/2019
8. Circle Officer, Danapur, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Dayanand Singh, Advocate
For the Respondent/s : Mr. Kumar Manish, SC-5

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CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE S. KUMAR
ORAL JUDGMENT
(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 23-12-2021

Petitioner has prayed for the following relief(s):-

“I. For holding that Flat No. 101, 102 and 103 situated at Khata No. I16, Khesra No. 366, measuring 4180 Sq Ft. Vijay Nagar, Road No. 1, Rukanpura, Patna, Bihar (hereinafter referred to as Premises/Flats/Property) belonging to the petitioner does not become "Things liable to confiscation" under Section 56 of Bihar Prohibition and Excise Act, 2016 (hereinafter referred to as 'Act') as the premises were



under a lease agreement with Vidyapati cottage and the petitioner being the lessor had no knowledge, despite due diligence, as to what is happening inside the room of the Guest House and no offence can be said to have been committed by the Petitioner.

II. For issuance of writ in the nature of certiorari for quashing of the confiscation proceeding bearing no. 3737/2019-20 initiated by the Collector, Patna vide memo no. 678 dated 20.03.2020 holding it to not maintainable and bad in the eyes of law as the petitioner being the owner of the property had let out the property on lease and the Petitioner has neither any involvement nor any connection thereto any offence in connection thereof Rupaspur P.S. Case No. 159/2019.

III. For issuance of directions to the District Collector, Patna to conclude the proceedings in a time bound manner of 30 days upon proper appreciation of facts presented by the Petitioner being the owner and premises being on lease at the time of occurrence of offence as the proceedings cannot be kept pending for an indefinite period of time.

IV. For issuance of appropriate directions to the Respondents to award compensation for causing mental pain and agony to the Petitioner who is a man of more than 70 years running from pillar to post for more than 2 years to get his premises freed from confiscation which has been made subject matter of confiscation without any involvement or knowledge of any offence committed therein to the Petitioner.

V. Any other appropriate writ or direction which may deem fit and proper including the cost.”



Shri Kumar Manish, learned counsel for the State states that the confiscatory proceedings, which are pending for more than two years, shall be expedited and completed positively within a period of three months from the date of production of a copy of this order.

Statement accepted and taken on record.

The present petition stands disposed of in the aforesaid terms.

Interlocutory Application(s), if any, stands disposed of.

(Sanjay Karol, CJ)

(S. Kumar, J)

Amrendra/PKP

AFR/NAFR	
CAV DATE	
Uploading Date	24.12.2021
Transmission Date	

