

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12033 of 2022

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Birendra Singh Son of Motilal Singh Resident of Village-Kurusa, P.S.-Dinara,
District- Rohtas at Sasaram.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Registration, Excise and Prohibition Department, Government of Bihar, Patna.
2. The Principal Secretary, Registration, Excise and Prohibition Department, Government of Bihar, Patna.
3. The District Magistrate-Cum-Confiscating Authority, Rohtas at Sasaram.
4. The Superintendent of Excise, Rohtas at Sasaram.
5. The S.H.O., Dinara Police, Rohtas.

... .. Respondent/s

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(The proceedings of the Court are being conducted by Hon'ble the Chief Justice /Hon'ble Judges through Video Conferencing from their residential offices/residences. Also, the Advocates and the Staffs joined the proceedings through Video Conferencing from their residences /offices.)

Appearance :

For the Petitioner/s : Mr.Babu Nandan Prasad, Adv
For the Respondent/s : Mr.Vikash Kumar (Sc11)

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE S. KUMAR

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE S. KUMAR)

Date : 02-09-2022

Heard learned counsel for the parties.

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

1. To, issue an appropriate Writ(s), Order(s), Direction(s), in the nature of a writ of mandamus directed the Respondent, District Magistrate, Rohtas (Confiscating Authority) to detached the



share of other brothers namely Jai Govind Panday, Ram Chandra Panday and Ram Dahin Panday. All are sons of Late Budhu Panday as equal shares in Khata no.- 20 and the total area of the said land is 10.35 acres and one surety Kamla Kant Panday has share only 0.49 Decimal, which is mentioned in his sureties bond, whereas the learned District Magistrate, Rohtas has been attached the entire land 10.35 acres in Khata no.- 20 and Mouza – Kurusa, regarding to release of vehicle Motorcycle bearing Registration no.- BR-24L-0380 in Confiscation case no.- 145/2017. Arising out of Dinara P.S case no.- 199/2017, dated - 06.07.2017 of the petitioner⁵⁻, whereas the petitioner is ready to submit his Motorcycle in the office concerned for further proceeding as well as to comply the order of this Hon'ble Court.

II. To, granting any other relief or reliefs for which the petitioner is found to be entitled in the facts and Circumstances of the case.

Learned counsel for the petitioner submits that the motorcycle of the petitioner was seized in excise case and for release of the same petitioner made surety as Kamla Kant Pandey who submitted his land paper of Khatian No. 20 of



Mauza-Kurusa which is in the name of Jai Govind Panday, Ram Chandra Panday and Ram Dahin Panday, all sons of Budhu Panday as equal shares in aforesaid khata, the total land is 10.35 acres and the said Kamla Kant Panday has share of only 0.419 decimals which is mentioned in the surety bond. Learned counsel for the petitioner further submits that one of the co-sharer of Khata No. 20 wants to sell his property, but the District Magistrate, Rohtas at Sasaram has attached the entire land of the aforesaid Khata No. 20, whereas the petitioner has submitted his share as 0.49 decimal regarding the surety bond before him as guarantor regarding release of his motorcycle. Now, petitioner wants to change the surety bond in place of Kamla Kant Panday, and as they are facing difficulty in selling the land and he is ready to submit his motorcycle before the confiscating authority to follow the order of this Court. In this regard he has made representation before the District Magistrate, Rohtas at Sasaram which is annexed as Annexure-5, but the same representation has not been disposed of by the concerned District Magistrate.

Considering the aforesaid facts and circumstances of the case, the writ petition is disposed of with a direction to the District Magistrate, Rohtas at Sasaram to pass an order on the representation of the petitioner (Annexure-5) within a period of



three months from the date of receipt/production of a copy of the order passed by this Court.

Liberty reserved to the petitioner to approach the appropriate forum/Court, should the need so arise subsequently on the same and subsequent cause of action;

We have not expressed any opinion on merits. All issues are left open;

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

(Sanjay Karol, CJ)

(S. Kumar, J)

ranjan/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	
Transmission Date	NA

