

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.4790 of 2024**

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Pappu Kumar @ Pradeep Kumar Gupta @ Pradip Kumar Son of Late Ramchandra Prasad @ Ram Chandra Sah, resident of Village- Laxmipur, P.S.- Raxaul, District- East Champaran at present residing at Ahirwa Tola, Ward No.7, P.S.- Raxaul, District- East Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Excise, Government of Bihar, Patna.
2. The District Magistrate-cum-Collector, East Champaran.
3. The Additional Collector, East Champaran, Motihari.
4. The S.H.O (Excise), Raxaul Anchal Motihari Police Station, District- East Champaran.
5. Pramod Kumar Choudhary, Son of Late Govind Prasad Choudhary, resident of Laat Gali Birganj, Nepal, Ward No.-7, P.S.- Birganj, District- Parsa, Nepal.

... .. Respondent/s

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**Appearance :**

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|--------------------------|---|----------------------------------|
| For the Petitioner/s     | : | Mr. Krishna Kant Singh, Advocate |
| For the Respondent No. 5 | : | Praveen Kumar, Advocate          |

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**CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI**  
**and**  
**HONOURABLE MR. JUSTICE S. B. PD. SINGH**  
**ORAL JUDGMENT**  
**(Per: HONOURABLE MR. JUSTICE P. B. BAJANTHRI)**

**Date : 24-10-2024**

In the instant petition, petitioner has prayed for the following reliefs:-

*"(i) For issuance of a writ in the nature of certiorari for quashing the order dated 21.03.2023 as contained in memo no.81 dated 23.03.2023 and also order dated 26.04.2023 as contained in memo No.119 dated 27.04.2023 in Confiscation Case No.321/2020 passed by the Presiding Officer, Additional Collector-cum-District Public Grievance Redressal Officer, East Champaran, Motihari whereby and*



*whereunder the Godown and the scrap materials have been directed to be released in favour of Pramod Kumar Chaudhary without verifying the fact as to whom the Godown and the Scrap is to be released and ignoring the earlier order dated 03.09.2021 by which the scrap was directing to be release in favour of the petitioner thereby reviewing the earlier order passed by the Collector, East Champaran, Motihari in Confiscation Case No. 321/2020.*

*(ii) For further that after setting aside the order dated 21.03.2023 and 26.04.2023 to direct the concerned respondent authorities to get the godown in possession of the petitioner and also to ensure that all the materials which were sealed in connection with Excise Case No. 321/2020 is handed over to the petitioner who was entitled for the godown as well as the scrap to be released in his favour.*

*(iii) For further to direct the concerned respondent authorities to look into the illegality committed by the concerned respondent authorities who have not only taken the law in their hand but have also committed grave illegality thereby causing great hardship to the petitioner and financial loss for which the petitioner is entitled for being compensated.*

*(iv) For directing the concerned respondent authorities to compensate the petitioner for the loss incurred.*

*(v) For any relief/reliefs to which the petitioner is entitled in the facts and circumstances of this case."*

2. Undisputedly, petitioner is a tenant for the subject matter of premises. Relationship of landlord and tenant was ceased



as on the date of registration of FIR for the offences under Excise Act. Therefore, whatever the stored material stated to be is of the tenant cannot be disbursed in favour of the tenant by virtue of judicial pronouncement. The tenant has remedy against the land owner of the land with reference to lapse of rental agreement.

3. Accordingly, the present petition stands disposed of, reserving liberty to the petitioner to invoke appropriate remedy and claim whatever the scrap material which is stated to have been stored in the subject matter of the premises with the land owner.

**(P. B. Bajanthri, J)**

**( S. B. Pd. Singh, J)**

Prabhakar/-

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| AFR/NAFR          | NAFR |
| CAV DATE          | N/A  |
| Uploading Date    |      |
| Transmission Date | N/A  |

