

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11776 of 2024

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Ram Lakhan Prasad @ Lakhan Son of Late Bhusauli Mahto, Resident of Plot No.- 349, Chhoti Pahari, Purani Bhathi, P.S.- Agamkuan, District- Patna, At present residing at House No.- C- 449, Sangam Vihar Deoli, P.S.- Sangam Vihar, District- Delhi.

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Department of Registration and Excise, Bihar, Patna.
2. The District Magistrate, Patna.
3. The Senior Superintendent of Police, Patna.
4. The Station House Officer, Excise Police Station, District- Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Bhavesh Kumar Sah
For the State	:	Mr.Sita Ram Yadav, GP. 16

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CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI

and

HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE P. B. BAJANTHRI)

Date : 30-08-2024

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

That this is an application for issuance of appropriate writ/ writs, order/ orders, direction/ directions for commanding the respondent authorities to release the dwelling house appertaining to Khata No. 349, Khesra No. 09, Area- 1.874 decimal situated at Plot No. 349, Chhoti Pahari, Purani Bhathi, P.S.- Agamkuan, District- Patna in favour of the petitioner who is the bonafide owner of the house in question and said house was seized in connection with Excise P.S.Case No. 144 of 2023 dated 25.01.2023 registered for offences under section under section 30/A, 56/B of the Bihar Exeise and Prohibition (Amendment)



Act, 2022 and also to quash the order dated 26.08.2023 passed in Excise Confiscation Case No. 799 of 2023-24 by the Collector-cum- District Magistrate, Patna whereby and whereunder the sealed premises of the petitioner was ordered to be confiscated.

Petitioner further seeks for any other relief/ relief if petitioner found entitled in the facts and circumstances of the present case.

2. Petitioner who is landlord has rented out the premises bearing Khata No. 349, Khesra No. 09, Area- 1.874 decimal situated at Plot No. 349, Chhoti Pahari, Purani Bhathi, P.S.- Agamkuan, District- Patna. Petitioner-landlord entered into agreement with the accused to lease out the aforementioned premises on 06.05.2022 for a period of 11 months as is evident from Annexure-P/2. If the tenant had committed offences under Excise Act and in that event landlord should not be penalized unless he is also involved. On this point, Co-ordinate Bench in the case of ***Sunita Sinha vs. The State of Bihar and others*** passed in ***C.W.J.C. No. 17894 of 2022*** elaborately discussed and proceeded to direct the concerned official Respondent to release the subject matter of premises. The aforementioned factual aspects of the matter is not disputed by the learned counsel for the Respondent. Resultantly, Petitioner has made out a case in the light of the aforementioned decision read with the factual



aspects of the present matter. Accordingly, we direct the concerned Respondent to release the subject matter of premises in favour of the Petitioner-landlord after due identification of the ownership of the subject property, within a period of one month from the date of receipt of this order.

3. Writ petition, stands allowed.

(P. B. Bajanthri, J)

(Alok Kumar Pandey, J)

vashudha/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	09.09.2024
Transmission Date	NA

