

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10699 of 2022

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Sanjeet Kumar @ Sanjeet Kumar Singh son of Sri Ramanand Singh, resident
of House No. 210, Sadhnapuri, Near Jyoti Cenema, Dahiyava Tola Chhapra
(Saran), P.S. - Chhapra Sadar, District - Chhapra (Saran).

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Excise,
Government of Bihar, Patna.
2. The District Magistrate, Patna.
3. The Junior Superintendent of Police, Patna Sadar, Patna.
4. The Dy. Superintendent of Police Patna.
5. The Station Head Officer (S.H.O.) Gopalpur Police Station, Patna.
6. Achyutanand Prasad Singh Son of Late Bharat Prasad Singh, resident of
Mohalla Raghuram Tola (Aunta), P.S. - Mokama, District - Patna.

... .. 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.Aditya Nath Pandey, Adv
For the Respondent/s : Mr.Vivek Prasad (GP 7)

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

Date : 29-07-2022

Heard learned counsel for the parties.

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

1. (i) That by way of the present writ application, the petitioner seeks indulgence of the Hon'ble Court for issuance of appropriate writ/ order/ direction in the nature of certiorari commanding the respondents to set aside the order dated 21-05-2022 passed in confiscation case No. 769/2018-19 (State Vs Kanhaiya Kumar & Ors) by learned Collector and District Magistrate, Patna whereby and whereunder House situates at Mauza Pahari appertaining to thana no. 14 Khesra No. 1563 has been directed to be unsealed provisionally without verifying the original title deed of

the property in question and possession has been directed to handed over to the Respondent No. 6 ignoring the order dated 6-8-2019 passed by the Hon'ble Court in C.W.J.C.no. 10581 of 2019.

(ii) Further for issuance of appropriate writ/order/direction restraining the respondent No. 6 to occupy the house/property in question.

(iii) Further for issuance of appropriate writ/ order/direction to which the petitioner is found to be entitle too in the facts and circumstances of this case.

Briefly stated, the facts of the case is that Confiscation Case No. 769 of 2018-19 was initiated against owner of the seized house by the learned Collector, Patna with respect to house situated at Mauza Pahari appertaining to Thana No. 14, Khesra No. 1563 on the recommendation of Sr. Superintendent of Police, Patna as 558 litres of illicit liquor was recovered from the house.

Notices were issued to the owner of the house pursuant to which he appeared in the confiscation proceeding. He had also filed a writ petition before this Court being C.W.J.C. No. 10581 of 2019 in which by order dated 06.08.2019 there was direction to provisionally unseal the house on depositing original title deed with one surety of equal value. In compliance of the order passed by this Hon'ble Court, the District Magistrate directed for unsealing the house on depositing title deed with one surety of equal value. House owner deposited the original title deed alongwith one surety of like value and also submitted undertakings as directed by the District Magistrate and thereafter District Magistrate directed the Officer-in-Charge of police station Gopalpur to unseal the house and hand over possession of the house to the house owner.

Petitioner Sanjeet Kumar Singh filed an Intervener Application dated 30.06.2022 stating therein that he is the real owner of the house and, as such, provisional release should be made in his favour.

District Magistrate has considered the intervener application filed by the petitioner and observed that inter se title dispute between the parties cannot be adjudicated in this proceedings and parties will have to approach civil court of competent jurisdiction for adjudication of such dispute. As the FIR is of 2017 and confiscation proceeding was initiated in 2018, in which the learned court of Collector had also called for report from the concerned Circle Officer and pursuant to direction of this Court, order of provisional unsealing of the house has been done on production of original title deed and furnishing of one surety of equal value, this Court is not inclined to interfere in the order passed by the District Collector.

Writ petitioner Sanjeet Kumar Singh did not file any petition before the High Court for modification of the order dated 06.08.2019 passed in C.W.J.C. No. 10581 of 2019, as such, the District Magistrate had no option but to comply the order passed by this Court.

However, since the confiscation proceeding appears to be still pending and petitioner is intervener in such proceeding, the District Collector shall call for a report from the concerned Circle Officer with respect to ownership/title of the said property before passing final order in the confiscation proceeding. Any party being aggrieved by such order, shall have liberty of preferring appeal/revision against said order.

(Sanjay Karol, CJ)

(S. Kumar, J)

ranjan/-

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