

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.170 of 2018

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Raman Kumar

.... Petitioner/s

Versus

The State of Bihar Through Principal Secretary, excise, Government of Bihar, Patna & Ors

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Sunil Kumar Pandey

For the Respondent/s : Mr. Vikash Kumar (SC-11)

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD

ORAL ORDER

2 16-02-2018 Learned counsel for the petitioner seeks permission to convert this criminal writ application in a civil writ application challenging the order passed in the confiscation proceeding together with virus of the provisions of the Bihar Prohibition and Excise Act, 2016 whereunder the District Magistrate-cum-Collector being an Executive has been conferred with the power to pass order of confiscation.

He is permitted to do so.

Office shall report the requirement for such conversion.

In the meantime, let the vehicle Bolero Pickup Van of the petitioner bearing Reg.No.BR-06GB-0715 seized in connection with Dumara P.S. Case No.313 of 2017, District-



Sitamarhi be provisionally released, if not already auctioned, on production of proof of ownership and registration of the vehicle in his favour subject to the following conditions:-

(i) Petitioner shall furnish surety bond of Rs.4,00,000/- (four lakhs) (not in form of bank guarantee or cash) with two sureties of the like amount to the satisfaction of court below or the authority concerned.

(ii) The petitioner shall also give an undertaking that he will not deal with the vehicle in question and shall not alienate or encumber the same creating any kind of adverse interest against the interest of the State, he will not use the vehicle for any illegal purpose and as and when required, he will produce the vehicle in question before the competent court/authority.

(iii) At the time of release, the concerned authority/court shall get prepared a photograph duly certified in presence of the petitioner and panchnama of the vehicle in question shall also be prepared and keep the same on record



which may be used as secondary evidence.

(iv) Petitioner undertakes not to challenge the said photograph and panchnama so prepared in his presence at the time of release of vehicle in question for use in course of trial or the confiscation proceeding, as the case may be.

(Rajeev Ranjan Prasad, J)

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