

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.425 of 2018

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Rishi Kapur @ Rishi Kumar, Son of Sita Ram, Resident of Village-
Sultanpur, P.S.- Ramgarh, District- Kaimur at Bhabua.

.... Petitioner/s

Versus

1. The State of Bihar Through The Principal Secretary, Excise Department, Govt. of Bihar.
2. The Collector-cum-District Magistrate, Kaimur at Bhabua.
3. The Superintendent of Police, Kaimur at Bhabua.
4. The Superintendent (Excise), Kaimur at Bhabua.
5. The S.H.O. Ramgarh Police Station, District- Kaimur at Bhabua.
6. The Sub Inspector (Informant), Ramgarh Police Station. District- Kaimur at Bhabua.
7. The Investigating Officer (I.O.), Sub Inspector, Ramgarh Police Station, District- Kaimur at Bhabua.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr.

For the Respondent/s : Mr. Kr Manish (Sc-5)

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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 motorcycle of the petitioner bearing Reg.No.BR45H-2998, Chassis No.MBLHAR181HHF58898, Engine No.HA10ACHHF03458 seized in connection with Ramgarh P.S. Case No.263 of 2017, District-Kaimur at Bhabhua 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.60,000/- (sixty thousand) (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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