

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.371 of 2018

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Ramnath Mahto

.... Petitioner/s

Versus

The State of Bihar, Through The Principal Secretary, Registration, Excise
And Prohibition, Government of Bihar, Patna & Ors

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Virendra Kumar

For the Respondent/s : Mr. Vivek Prasad (GP-7)

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**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN
PRASAD**

ORAL ORDER

2 30-03-2018 Learned counsel for the petitioner prays for and is allowed one week time to convert this criminal writ application in a civil writ application as according to him he is challenging the confiscation order on the ground inter alia that the Collector -cum- District Magistrate, who is an executive, has no authority to initiate and pass a confiscation order and the provision conferring such power on him under the Bihar Prohibition and Excise Act, 2016 would be ultra vires. He submits that this issue is pending consideration in LPA No.1647/15 and, therefore, he may be allowed to agitate this issue by converting the writ application.

He is permitted to do so within a period of one week.

Learned counsel submits that the vehicle in question is likely to be sold out in a day or two, for the present, this Court



would direct that the vehicle in question shall not be auction sold for a period of two weeks awaiting an appropriate order in this case after the writ application is converted by the petitioner.

This order shall stand vacated if the writ application is not converted in a civil writ application within a period of two weeks.

(Rajeev Ranjan Prasad, J)

Arvind/-

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