

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.2870 of 2017

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Shiv Shankar Sahni

.... Petitioner/s

Versus

The State of Bihar, Through The Principal Secretary Excise Department,
Govt. of Bihar. Patna & Ors

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Sanjay Parasmani

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

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN
PRASAD
ORAL ORDER

5 28-03-2018

A counter affidavit has been filed in the present case.

Learned counsel representing the State submits that because a confiscation order has already been passed, the petitioner may either avail the remedy of statutory appeal under the Bihar Excise Prohibition Act, 2016 or may like several cases pending before this Court challenge the virus of the Act itself in a Civil Writ proceeding but the present Criminal Writ application is not fit to proceed.

Learned counsel for the petitioner at this stage submits that in fact he wishes to challenge the power of Collector-Cum-District Magistrate to initiate a confiscation proceeding and because similar issues are pending consideration in L.P.A. No.1647 of 2015 and other analogous matters, he may be allowed to convert this application in a Civil Writ application.



In view of the submissions made, let the petitioner take appropriate steps for conversion of the present writ application in a Civil Writ within four weeks, failing which this application shall stand dismissed and the interim order shall stand recalled.

The office shall report on the requirements.

(Rajeev Ranjan Prasad, J)

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