

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.142 of 2018

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Ravindra Kumar Singh, son of Munni Singh, resident of village –
Manjurahi, P.S. Muffasil, District – Aurangabad.

.... Petitioner

Versus

1. The State of Bihar Through Its The Principal Secretary, Excise
Department, Govt. of Bihar, Patna
2. The District Magistrate, Aurangabad
3. The Superintendent of Police, Aurangabad
4. The Incharge Officer, District Law Branch, Aurangabad
5. The Anchal Adhikari, Aurangabad.
6. The Investigating Officer, Aurangabad Muffasil Police Station,
Aurangabad.

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Anil Kumar

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

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2. 09-03-2018

At the outset, learned counsel for the petitioner seeks permission to convert this application in a civil writ, as according to him, he has challenged the order of confiscation passed by the District Magistrate, Aurangabad wherein he is seeking virtually a challenge to the provision of the Bihar Prohibition and Excise Act, 2016 providing power of an executive to pass an order of confiscation.

Learned counsel for the State has no objection if the petitioner avails his remedy in accordance with law.

In the meantime, the premises in question shall be de-sealed by the District Magistrate-cum-Collector, Aurangabad, in connection with Muffasil P.S. Case No.



73/2017, on furnishing a bank guarantee by the petitioner to the extent of valuation of the premises and subject to condition that the petitioner shall not deal with the property or in any other way encumber the same in favour of any third party and no interest adverse to the interest of the State shall be created by the petitioner during pendency of the application. This will be subject to finality of the proceeding before this court.

Office shall report on the requirement for such purpose.

(Rajeev Ranjan Prasad, J.)

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