

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.152 of 2018

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Pradeep Kumar Roy @ Pradeep Roy @ Pradeep Kumar, Son of Kailash Pati Roy, resident of Amrauti, P.S.- Khanpur, District- Samastipur, Presently resident of Ward No 05, Tola- Sarahi Nariyar, P.S.- Saharsa Sadar, District- Saharsa.

.... Petitioner

Versus

1. The State of Bihar through Principal Secretary, Excise Department, Bihar, Patna.
2. Director General of Police, Bihar, Patna.
3. Collector, Saharsa.
4. Superintendent of Police, Saharsa.
5. Thana Prabhari, P.S.- Saharsa Sadar, Saharsa.

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Madhav Jha

For the Respondent/s : Mr. Anil Kumar Sinha (GA1)

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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, Saharsa 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, Saharsa, in connection with Confiscation Case No.



41/2017-18 arising out of Sadar Saharsa P.S. Case No. 547/2017, on furnishing two sureties 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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