

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.2472 of 2017

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Manoj Yadav

.... 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. Vibhakar Kumar

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

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

3. 09-03-2018

Learned counsel for the petitioner seeks permission to allow him to covert this writ application in a civil writ proceeding as according to him the petitioner wants to assail the order dated 21.07.2017 passed in Confiscation (Excise) Case No. 126 of 2016-17 passed by the District Magistrate-cum-Collector, Banka on the ground that the District Magistrate being an executive cannot have power to pass an order of confiscation and for that purpose he would also challenge the *vires* of the provisions of the Bihar Prohibition and Excise Act, 2016.

Learned counsel for the State is present and in the nature of prayer made by learned counsel for the petitioner he will have no objection. The petitioner is permitted to convert this writ proceeding in a civil writ. Office shall report on the requirement for that purpose.

(Rajeev Ranjan Prasad, J.)

Rajeev/-

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