

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.36 of 2018

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Sunil Kumar

.... Petitioner/s

Versus

The State of Bihar Through The Principal Secretary Excise Department &
Ors

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ram Sumiran Rai

For the Respondent/s : Mr. Deepak Kumar, AC to SC-5

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN
PRASAD

ORAL ORDER

3 16-02-2018

Learned counsel for the State has pointed out from paragraph 8 of the counter affidavit that in fact after passing of the confiscation order the vehicle in question had already been sold.

The petitioner seeks to challenge the confiscation order dated 05.09.2017 in the criminal writ application, learned counsel for the State submits that there is a remedy by way of statutory appeal under the provisions of Bihar Prohibition and Excise Act, 2016, therefore, the writ application is apparently not fit to be entertained in view of alternative statutory remedy.

However, at this stage, learned counsel for the petitioner seeks permission to convert this criminal writ application in a civil writ application as he would like to challenge the virus of the provisions under Bihar Prohibition and Excise Act, 2016 by which the Collector who is an Executive has been



conferred with the power of confiscation.

He is permitted to do so.

Office to report accordingly.

(Rajeev Ranjan Prasad, J)

Arvind/-

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