

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.14287 of 2014

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Kunwar Jai Singh, Son of Late Balbir Singh, resident of Garh Palace, Jagdishpur
Garh, P.O. Jagdishpur, P.S. Jagdishpur, District Bhojpur.

.... Petitioner

Versus

1. The State of Bihar through the Commissioner, Excise Department, Government of Bihar, Patna.
2. The Commissioner, Excise Department, Government of Bihar, Patna.
3. The Divisional Commissioner, Patna Division, Patna.
4. The District Magistrate, Bhojpur at Ara.
5. The Assistant Commissioner, Excise, Bhojpur at Ara.
6. The Inspector, Excise, Bhojpur at Ara.

.... Respondents

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Appearance :

For the Petitioner : Mr. Bibhakar Tiwary, Adv.

For the Respondents : Mr. Ashok Kumar Choudhary AAG13

Mr. Shailendra Kumar Jha, AC to AAG 13

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date: 09-03-2015

The petitioner objected to the establishment of a wine shop by one Smt. Babita Devi at Jagdishpur of Ara District in the financial year 2014-2015. It is stated that the shop is within the prohibited distance from the place of worship named as Shaheed Baba Mazar and Vishwakarma Temple.

Even before the writ petition was formally posted before us, the authorities of the Excise Department, Ara, filed a counter affidavit. According to them, proper verification was made before the licence was granted to Smt.

Babita Devi and that no reports of any anti-social activities have been brought to their notice. The petitioner filed reply to it.

Heard learned counsel for the petitioner and learned A.P.P. for the State.

The petition suffers from a serious infirmity, namely, that the person who established the shop is not made a party. Secondly, the period for which the licence was granted has almost come to an end.

Be that as it may, we dispose of the writ petition leaving it open to the petitioner to submit representation to the authorities of the Excise Department in the context of granting/renewing licence for the financial year 2015-2016. The same shall be taken into account before the licence is granted/renewed.

Interlocutory application, if any, stands disposed of.

There shall be no order as to costs.

(L. Narasimha Reddy,CJ)

(Vikash Jain, J)

K.C.jha/-
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