

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.1364 of 2016

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1. M/s Riga Sugar Co. Ltd., Distillery Division, Dhanukagram, P.O Riga, District Sitamarhi through its Senior General Manager, Uday Shankar Dwivedi, son of Rishi Deo Dwivedi, resident of Mishrouli, P.O & P.S. Bhore District Gopalganj, Bihar.

.... Petitioner/s

Versus

1. The State of Bihar through the Secretary, Excise & Prohibition Department, Bihar, Patna.
2. The Secretary, Excise & Prohibition Department, Bihar, Patna.
3. The Commissioner of Excise, Bihar, Patna.
4. The Superintendent of Excise, Muzaffarpur.
5. The Superintendent of Excise Sheohar,
6. The Superintendent of Excise, Sitamarhi.
7. The Bihar State Beverage Corporation Limited, a Government Company incorporated under the Companies Act, 1956 having its registered office at Vidyut Bhawan, Bailey Road, Patna through its Managing Director.
8. The Depot Manager, Bihar State Beverage Corporation Limited, Muzaffarpur.
9. The Depot Manager, Bihar State Beverage Corporation Limited, Sitamarhi.
10. The Depot Manager, Bihar State Beverage Corporation Limited, Sheohar.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Satyabir Bharti, Adv.
For the Respondent/s : Mr. Lalit Kishore (PAAG)
Mr. Ranjeet Kumar, AC to PAAG
For Respondent No.7 Mr. Girijesh Kumar, Adv.

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CORAM: HONOURABLE THE ACTING CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE CHAKRADHARI
SHARAN SINGH

ORAL ORDER

(Per: HONOURABLE THE ACTING CHIEF JUSTICE)

4 25-01-2016

Heard Mr. Satyabir Bharti, learned Counsel,

appearing on behalf of the petitioner, and Mr. Ranjeet Kumar,

assistant Counsel to learned Principal Additional Advocate General, appearing on behalf of the State-respondents. Heard also Mr. Girijesh Kumar, learned Counsel, appearing on behalf of respondent No.7.

In the light of decision of this Court rendered, on 14.1.2008, in CWJC No.15263 of 2007, we find and it could not be disputed, that the order, dated 13.12.2015, passed by respondent No.4, namely, the Superintendent of Excise, Muzaffarpur, is bad in law and cannot be sustained. This is for the reason that plea of the Petitioner that no prior notice or an opportunity to show cause was afforded to him has not been controverted on behalf of the State of Bihar.

In view of the above and in the interest of justice, we set aside and quash the order, dated 13.12.2015, and leave it to the authorities of the Excise Department, Government of Bihar, to take appropriate action in accordance with law if the petitioner has, in the opinion of the respondents, acted in contravention of any order or provisions of law contained in that behalf.

Consequent upon the setting aside and quashing of

the order, dated 13.12.2015, it is hereby directed that the seal shall be removed from the manufacturing premises and the petitioner shall be allowed to carry on his business and he shall not be disturbed except in accordance with law.

With the above observations and directions, this application stands disposed of.

(I.A. Ansari, ACJ)

(Chakradhari Sharan Singh, J)

K.C.jha/-

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