

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.1890 of 2016**

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M/s Trigger Goods Pvt. Ltd., a Company incorporated under the Companies Act, 1956 having its registered office at Room No.218, 21, Hemant Basu Sarani, Kolkata, Local Office at Tripolia, P.S. Alamganj, Patna-800 007 through its Director Kajal Karmkar, resident of School Para, P.S. Islampur, District Uttar Dinajpur, West Bengal.

.... .... Petitioner

Versus

1. The State of Bihar through the Secretary, Excise and Prohibition, Government of Bihar, Patna.
2. The Excise Commissioner, Excise and Prohibition, Government of Bihar, Patna.
3. The Deputy Commissioner of Excise, Distillery & Warehouse, Bihar, Patna.

.... .... Respondents

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With

**Civil Writ Jurisdiction Case No.1961 of 2016**

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M/s Pashupatinath Distributors Pvt. Ltd., a Company incorporated under the Companies Act, 1956 having its registered office at 2nd Floor, Chandi Yyapar Bhawan, Exhibition Road, Patna through its Director Lallan Prasad son of Shri Ramdhyan Prasad, resident of B/118, Housing Colony, P.S. Kankarbagh, District Patna.

.... .... Petitioner

Versus

1. The State of Bihar through the Secretary, Excise and Prohibition, Government of Bihar, Patna.
2. The Excise Commissioner, Excise and Prohibition, Government of Bihar, Patna.
3. The Deputy Commissioner of Excise, Distillery & Warehouse, Bihar, Patna.

.... .... Respondents

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With

**Civil Writ Jurisdiction Case No.1984 of 2016**

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M/s Ally Foods Pvt. Ltd., a Company incorporated under the Companies Act, 1956 having its registered office Gauri Shankar Colony, Gaighat, Gulzarbagh, Patna- 800007 through its Director Sanjay Kumar Gautam son of Late Ram Nagina Dwivedi resident of Anisabad P.S. Gardanibagh, District- Patna.

.... .... Petitioner

Versus

1. The State of Bihar through the Secretary, Excise and Prohibition, Government of Bihar, Patna
2. The Excise Commissioner, Excise and Prohibition, Government of Bihar, Patna
3. The Deputy Commissioner of Excise, Distillery & Warehouse, Bihar,

Patna.

.... .... Respondents

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With

**Civil Writ Jurisdiction Case No.1995 of 2016**

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M/s Essveegee Breweries Pvt. Ltd., a Company incorporated under the Companies Act, 1956 having its registered office at 3<sup>rd</sup> Floor, Antara Tower, Opp. Sadar Thana, Pan Bazar, Guwahati, Assam through its authorized signatory Manish Pandey, son of Umesh Pandey, resident of Ward No.6, Salahabad, P.S. Salempur, District-Deoriya (U.P.).

.... .... Petitioner

Versus

1. The State of Bihar through the Secretary, Excise and Prohibition, Government of Bihar, Patna
2. The Excise Commissioner, Excise and Prohibition, Government of Bihar, Patna
3. The Deputy Commissioner of Excise, Distillery & Warehouse, Bihar, Patna.

.... .... Respondents

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With

**Civil Writ Jurisdiction Case No.2039 of 2016**

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M/s Doon Valley Distilleries (A.D.), a registered partnership firm, having its registered office Kuanwala, PO Harrawal, Dehradun (Uttarakhand) through its Authorized Signatory Dhananjay Pandey son of Late Radheyshyam Pandey, resident of Village- Netwar, PO Belaw, PS Darawli, District- Siwan (Bihar).

.... .... Petitioner

Versus

1. The State of Bihar through the Secretary, Excise and Prohibition, Government of Bihar, Patna.
2. The Excise Commissioner, Excise and Prohibition, Government of Bihar, Patna.
3. The Deputy Commissioner of Excise, Distillery & Warehouse, of Bihar, Patna.

.... .... Respondents

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With

**Civil Writ Jurisdiction Case No.2225 of 2016**

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M/s Globus Spirits Limited, having registered office at A-46, New Friends Colony, (East) New Delhi through its Assistant Manager Pritam Singh, son of Shri Kali Prasad Singh, resident of M.B.J.283, Kailashpur, Husenabad, P.S. Line Bazar, District-Jaunpur (UP).

.... .... Petitioner

Versus

1. The State of Bihar through the Secretary, Excise and Prohibition, Government of Bihar, Patna.
2. The Excise Commissioner, Excise and Prohibition, Government of Bihar, Patna.

3. The Deputy Commissioner of Excise, Distillery & Warehouse, of Bihar, Patna.

.... Respondents

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With

**Civil Writ Jurisdiction Case No.2229 of 2016**

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Sanjay R. Kumar, Son of Shri Raghunath Prasad, resident of Balkishunganj, P.S. Gulzarbagh, District - Patna

.... Petitioner

Versus

1. The State of Bihar through the Secretary, Excise and Prohibition, Government of Bihar, Patna
2. The Excise Commissioner, Excise and Prohibition, Government of Bihar, Patna
3. The Deputy Commissioner of Excise, Distillery & Warehouse, Bihar, Patna

.... Respondents

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With

**Civil Writ Jurisdiction Case No.1884 of 2016**

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M/s Spicy Beverage Pvt. Ltd., a company incorporated under the Companies Act, 1956 having its registered office at Gandhi Road, Dhansar, Dhanbad, Jharkhand through its Director Kamlesh Kumar Sinha, son of Sri Lakshmi Narain Sinha, resident of Begampur, Karmali Chak, PS Chawk, District- Patna

.... Petitioner

Versus

1. The State of Bihar through the Secretary, Excise and Prohibition, Government of Bihar, Patna
2. The Excise Commissioner, Excise and Prohibition, Government of Bihar, Patna
3. The Deputy Commissioner of Excise, Distillery & Warehouse, Bihar, Patna

.... Respondents

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With

**Civil Writ Jurisdiction Case No.2318 of 2016**

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M/s K. M. Sugar Mills Limited, a Company incorporated under the Provisions of the Companies Act, 1956 having its registered office at 11, Moti Bhawan, Collectorganj, Kanpur ( U.P. ) and factory at Motinagar, Faizabad, U.P. through its Assistant General Manager Cum authorized Signatory Shri Raj Kishor Shukla Son of Late Badri Vishal Shukla resident of village - Motinagar, P.S. Purakalandar, District - Faizabad - UP

.... Petitioner/s

Versus

1. The State of Bihar through the Secretary, Excise and Prohibition, Government of Bihar, Patna
2. The Excise Commissioner, Excise and Prohibition, Government of Bihar,

Patna  
3. The Deputy Commissioner of Excise, Distillery & Warehouse, Bihar,  
Patna

.... Respondent/s

**Appearance :**

(In all the cases)

For the Petitioners : Mr. Satyabir Bharti, Advocate  
Mr. Harsh Singh, Advocate  
Mr. Alok Chandra, Advocate

For the Respondents : Mr. Lalit Kishore (PAAG)

**CORAM: HONOURABLE THE ACTING CHIEF JUSTICE**

**And**

**HONOURABLE MR. JUSTICE HEMANT GUPTA**

**ORAL ORDER**

**(Per: HONOURABLE THE ACTING CHIEF JUSTICE)**

4 09-02-2016

By the order, dated 21.01.2016, as contained in order No.327 (Annexure-4), passed by respondent No.2, namely, the Excise Commissioner, Bihar, whereby, as an alternative measure, inter-region supply of bottled country-liquor was issued, but noticing the fact that manufactures/suppliers are depositing the differential amount, based on the MGQ fixed for the particular district, in the districts under the region of their operation, and no differential amount is being deposited in the districts importing the bottled country-liquor, thereby causing loss to the revenue, has directed the petitioners to deposit the differential amount as per the MGQ in the district importing the bottled country-liquor, calculated at the rate of Rs.3.69 and to supply bottled country liquor not only in the districts allocated to them, but also to other districts,



where supply is short, failing which, treating it to be the violation of the terms of licence for manufacturing country liquor, the manufacturing units of the petitioners shall be closed on 7<sup>th</sup> February, 2016. The petitioners, feeling aggrieved, have filed these writ petitions, under Article 226 of the Constitution of India, seeking issuance of appropriate writ declaring the impugned order as arbitrary, perverse and capricious.

Mr. Lalit Kishore, learned Principal Additional Advocate General, appearing on behalf of the respondents, has produced a copy of the letter, dated 06.02.2016, issued by the Commissioner of Excise, Bihar, Patna, whereby the State respondents, however, as an alternative measure, invited from the petitioners, their offer, on 09.02.2016, for supply of bottled country liquor in the regions of Rohtas, Gaya and Bhagalpur districts, where manufacturing units are not functional.

On a query made by this Court, Mr. Lalit Kishore, learned Principal Additional Advocate General, submits that the impugned order, dated 21.01.2016, (Annexure-4) aforementioned, stands modified and superseded by the decision, which has been taken on 06.02.2016 and that the respondents will not insist on compliance of the impugned order, dated 21.01.2016.

In view of the above, we find that these writ petitions have become infructuous and are, therefore, disposed of accordingly.

**(I.A. Ansari, ACJ)**

**(Hemant Gupta, J)**

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