

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9919 of 2016

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M/s United Spirits Limited, a company duly incorporated under the provisions of the Companies Act, 1956 having its registered office at UB Tower #24, Vittal Mallya Road, Bengaluru 560001 and its factory at Hathidah, P.O. + P.W.- Hathidah, District Patna through its Deputy General Manager-cum-Unit Head and constituted attorney Mr. Alokesh Biswas.

.... Petitioner/s

Versus

1. The State of Bihar through the District Magistrate, Patna.
2. Director General of Police, Bihar, Patna.
3. The Superintendent of Police, (Rural), Patna.
4. The Sub-Divisional Police Officer, Barh, District- Patna.
5. The Station House Officer, Hathidah, P.S.- Hathidah, District- Patna.
6. McDowell Worker's Union (Regd. No. 1794/94), Hatidah through its General Secretary Mr. Ratneshwar Prasad Singh, Mc Dowell Workers' Union, Teen Bhaiya Tola, Near Railway Gumti, Maranchi, P.S.- Maranchi, P.O.- Hathidah, Pin Code-803301, District- Patna.
7. McDowel Employees Union through its General Secretary, Mr. Ram Naresh Singh, Near By Pass, Hathidah Bujurg, P.O. & P.S.- Hathidah- 803301, District- Patna.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Alok Kumar Sinha
Mr. Rohitabh Das

For the Respondent/s : Mr. Aashuman Singh, A.C. to PAAG-1

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CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR MANDAL
ORAL ORDER

4 08-08-2016 Heard the Counsel for the petitioner and the Counsel

for the State. An affidavit, in reply, is filed on behalf of respondent

nos. 3 to 5.

The purpose for which the writ petition is filed was

considered and summarized in the order dated 30.06.2016 relevant

part whereof reads as under:-

“What has been projected through this writ application is that owing to the prohibition/ban imposed in the State of Bihar by the government, the petitioner's Company engaged in business of manufacture, sale and distribution of various



brands of Indian Made Foreign Liquor(IMLF) is required to transfer the raw materials and other packaging materials to its sister concerns under the valid permit issued by the government. The workers of the Company are putting up obstacles in different ways. Consequently, the petitioner is unable to remove the raw materials. In spite of several requests made to the police authorities, no protection was given to the petitioner. A serious law and order situation has arisen in the campus of the petitioner's Company."

State respondents were called upon to file a counter affidavit. In paragraph 5 of the counter affidavit, it has been stated as under:-

".....These respondents with due respect to the Hon'ble High Court informs that whenever, the writ petitioner will intimate any apprehension of breach of peace on account of transporting of goods from the factory of the writ petitioner situated at Hathidah, surely they will take appropriate legal action in accordance with law....."

Mr. Sinha, looking to the stand taken by the respondent, is agreed for disposal of the application granting the petitioner liberty to approach the respondents and seek protection as and when situation arise in transporting highly inflammable materials from the factory of the petitioner under valid papers. Needless to observe, if any such request is made by the petitioner, the district administration shall provide necessary protection to the petitioner as the materials which shall be carried by the petitioner is highly inflammable. The respondents on a complaint made by

the petitioner would further ensure the ingress and egress of the factory is not obstructed unauthorisedly.

The writ petition is disposed of.

(Kishore Kumar Mandal, J)

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