

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12590 of 2012

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Shambhu Yadav S/O Bibhishan Prasad Yadav R/O Vill-Bhalua, P.S.-
Sangrampur, Distt-Munger

.... Petitioner/s

Versus

1. The State of Bihar
2. The Principal Secretary, Excise Department Government of Bihar, Patna
3. The Excise Commissioner, Excise Department Government of Bihar,
Patna
4. The Divisional Commissioner, Excise Bhagalpur
5. The Excise Superintendent, Munger

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ajit Kumar Singh

For the Respondent/s : Mr. Ram Balak Mahto Ag

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE ANIL KUMAR

UPADHYAY

ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

7 08-08-2017 None appears for the petitioner. Earlier also none

had appeared when the matter was dismissed on 23.01.2015, but it

was restored on 20.07.2016.

From the return filed, it is seen that Excise
Superintendent has taken action for sealing the shop of the
petitioner and has forfeited his security deposit. Learned counsel
for the petitioner submits that he has been apprised of the order
only when copy of the return was submitted before the competent
authority.

That being the position, against the order passed by
the Excise Superintendent, Munger dated 29.10.2011 (Annexure-



D to the counter affidavit), the petitioner has remedy of filing appeal before the competent authority.

We grant liberty to the petitioner to file appeal before the competent authority and it would be for the competent authority to pass order keeping statutory remedy available to the petitioner.

We dispose of the matter with the aforesaid liberty to the petitioner.

(Rajendra Menon, CJ)

(Anil Kumar Upadhyay, J)

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