

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7308 of 2016

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1. Dinkar Bhardawaj, son of Sri Jawahar Lal Bhardwaj, Resident of Mohalla - Ashok Nagar, P.O. Begusarai, P.S. Begusarai Town, District - Begusarai.

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Excise and Prohibition, Government of Bihar, Patna.
2. The Excise Commissioner, Department of Excise and Prohibition, Government of Bihar, Patna.
3. The District Magistrate, Begusarai, District - Begusarai.
4. The Excise Superintendent, Begusarai, District - Begusarai.
5. The Block Development Officer, Begusarai Sadar, District - Begusarai.
6. The Managing Director, Bihar State Beverage Corporation Ltd., Vidyut Bhawan, Bailey Road, Patna.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. S.B.K.Manglam, Advocate
Ms. Anita Kumari, Advocate
For the Respondent/s : Mr. Lalit Kishore (AG)

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CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE ANIL KUMAR
UPADHYAY

ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

3 06-11-2017 The petitioner was granted renewal of license under the Excise Act for the financial year 2016-2017. The petitioner was compelled to lift the stock of liquor in pursuance to the license. Immediately after lifting of liquor, due to Prohibition enforced the petitioner had to suffer.

Seeking return of the liquors granted to the petitioner and refund of the renewal fee, the writ petition has been



filed.

The respondents have filed reply and in para 13 of the counter affidavit it is stated that the Department of Registration, Excise and Prohibition wrote letter no.1500 dated 05.04.2016 to BSBCL directing to take steps for sealing and return of the liquor and storing in the godowns of the Corporation and it is further stated that for refund of the license fee, the petitioner may submit a detailed claim before the competent authority. After disposal of the stock lying with the petitioner in accordance with law, the question of refund shall be considered. In para 13 of the counter affidavit the respondents gave statement, which is as under:-

“That is stated that the department of the Registration, Excise and Prohibition, Bihar vide letter no.1500 dated 05.04.2016 wrote to BSBCL directing the steps to be taken by it in view of the above decision to prohibit foreign liquor for the entire State and vide circular no.1778 dated 6.4.2016 informed all Collectors of the districts that on account of Prohibition for sale of foreign liquor the remaining stock of IMFL and beer, of which seals have not been broken, in shops being run by the Corporation and hotel, bar and restaurant would be returned to the godowns of the BSBCL for their disposal as per rules framed by the Board of Revenue, Bihar. It is further stated that the petitioner is at liberty to file application before the appropriate authority for refund of the proportionate license fee. The petitioner may also approach the



appropriate authority for disposal of the stock lying with him in accordance with rule.”

Keeping in view the aforesaid, it is directed that on the petitioner's filing a certified copy of this order along with detailed claim before the District Magistrate, Begusarai (respondent no.3), the District Magistrate, Begusarai shall consider the case of the petitioner and decide the question of refund in accordance with law within a period of 60 days and, if found eligible, the entire amount shall be refunded back to the petitioner. If not found eligible, it shall be incumbent upon the District Magistrate to record reasons for the same and communicate to the petitioner within a period of 60 days.

With the aforesaid observation, this petition is disposed of.

(Rajendra Menon, CJ)

Harish/-

(Anil Kumar Upadhyay, J)

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