

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.15266 of 2016

=====

Nagrik Adhikar Manch through its Settler namely Shiv Prakash Rai, Son of Late Nageshwar Rai, Resident of Village- Gali No. 2 Dhobighat Charitarwan, Buxar, P.S.- Town P.S. Buxar- District- Buxar.

.... Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Govt. of Bihar, Patna.
2. The Director General of Police-cum-Inspector General of Police, Bihar, Patna.
3. Sri K.K. Pathak, son of not known to the petitioner, The Principal Secretary, Excise and Prohibition Department, Government of Bihar, Patna.

.... Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Arvind Kumar Sharma, Advocate
For the Respondent/s : Mr. Pushkar Narain Shahi, AAG-6

=====

CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date: 02-08-2018

In pursuance to the order passed by this Court on 6.4.2018, a counter affidavit has been filed on 8.5.2018 by the Secretary to the Commissioner, Saran Division, Chapra and from para 6 onwards of the affidavit it has been indicated that with regard to the incident in question the District Magistrate, Gopalganj has sought for information the Superintendent of Police, Gopalganj has informed that 29 police personnels deputed were placed under suspension for dereliction of duty, 27 of them have been punished and against two departmental proceedings are pending. That apart,



the Excise Department has imposed punishment on two officers, as is detailed in sub-para 4 of para 6, two of them, one Shri Ashok Kumar Singh, Excise Sepoy and another Shri Manoj Kumar, Excise Sub Inspector have been punished with the punishment of withholding three increments, enquiry against two officers namely, Sri Sanjay Kumar Chaudhary, Excise Inspector and Sri Priya Ranjan, Excise Superintendent is pending. With regard to compensating the villagers against harassment and to the legal heirs of those who died due to consumption of spurious liquor have been paid an adequate compensation of Rs.4,00,000/- each and a total of Rs.27,00,000/- has been distributed. As far as the imposition of community fine and the action taken against 23 persons, only two persons had deposited Rs.5000/-. The others have not deposited. However, Shri Dinu Kumar submits that the departmental proceedings pending should be concluded immediately and the delinquent be punished in accordance with law.

The application is allowed and the order dated 20th of August, 2016 passed by respondent No.3 is concerned, the same is quashed and now no fine shall be recovered from any of the members of the community or the villagers for the issue in question. In case any fine has been recovered from any of the villagers, as is indicated in the counter affidavit, the same be refunded along with an



interest at the rate of 8% per annum from the date of deposit till the date of refund. All certificate proceedings in pursuance to the impugned order or action shall remain quashed and the certification officer shall close the proceedings in view of the aforesaid order.

With the aforesaid, this application is disposed of.

(Rajendra Menon, CJ)

(Rajeev Ranjan Prasad, J)

K.C.jha/- N.H.

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	06-08-2018
Transmission Date	

