

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10700 of 2016

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Murlidhar Prasad Saundik, Son of Shri Bhagwan Sah, Resident of Mohalla-Nokha, PS Nokha District Rohtas.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Registration, Excise and Prohibition Department, Government of Bihar, Patna.
2. The Excise Commissioner, Patna Bihar.
3. The Collector, Rohtas.
4. The Assistant Commissioner of Excise, Rohtas.

... .. Respondent/s

with

Civil Writ Jurisdiction Case No. 11448 of 2016

=====

Jitendra Prasad, son of Late Shivnath Sah, resident of village Amiyawar, P.S. Nasriganj, District Rohtas

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Registration, Excise and Prohibition Department, Government of Bihar, Patna
2. The Excise Commissioner, Bihar, Patna.
3. The Collector, Rohtas
4. The Assistant Commissioner of Excise, Rohtas

... .. Respondent/s

with

Civil Writ Jurisdiction Case No. 11342 of 2016

=====

Karya Nand Singh, son of Late Balmiki Singh, resident of Village Pirhinda, P.S. Sikandra, District Rohtas

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Registration, Excise and Prohibition Department, Government of Bihar, Patna
2. The Excise Commissioner, Bihar, Patna
3. The Collector, Rohtas
4. The Assistant Commissioner of Excise, Rohtas

... .. Respondent/s

with

Civil Writ Jurisdiction Case No. 10684 of 2016

=====



Jagdish Singh, son of Late Ram Sakal Singh, resident of Village Chanradh,
P.S. Nokha, District Rohtas

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Registration, Excise and Prohibition Department, Government of Bihar, Patna
2. The Excise Commissioner, Bihar, Patna
3. The Collector, Rohtas
4. The Assistant Commissioner of Excise, Rohtas

... .. Respondent/s

Appearance :

(In Civil Writ Jurisdiction Case No. 10700 of 2016)

For the Petitioner/s : Mr. Satyabir Bharti, Advocate

For the Respondent/s : Mr. Bishwa Bibhuti Kumar Singh, AC to AG

(In Civil Writ Jurisdiction Case No. 11448 of 2016)

For the Petitioner/s : Mr. Satyabir Bharti, Advocate

For the Respondent/s : Mr. Bishwa Bibhuti Kumar Singh, AC to AG

(In Civil Writ Jurisdiction Case No. 11342 of 2016)

For the Petitioner/s : Mr. Satyabir Bharti, Advocate

For the Respondent/s : Mr. Bishwa Bibhuti Kumar Singh, AC to AG

(In Civil Writ Jurisdiction Case No. 10684 of 2016)

For the Petitioner/s : Mr. Satyabir Bharti, Advocate

For the Respondent/s : Mr. Bishwa Bibhuti Kumar Singh, AC to AG

CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE DR. JUSTICE RAVI RANJAN

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 30-08-2018

1. As common question of law arises in these writ petitions, they are disposed of by a common judgment.

2. In the facts and circumstances of the case and with the consent of learned counsel appearing for respective parties, all these petitions are taking for final hearing today.

3. In all these petitions under Article 226 of the Constitution of India, the respective petitioners have prayed for an



appropriate direction / order for quashing and setting aside the impugned orders imposing the composite fine and the penalty on the ground that respective petitioners lifted the quantity of liquor in the month of March 2016, less quantity than the quantity for which the licence has been issued.

4. Number of submissions have been made by the learned counsel for the respective parties.

5. However, considering the show cause notices and the impugned orders, we are of the opinion that the show cause notices are too vague and nothing has been mentioned how much less quantity of the liquor/foreign liquor, the respective petitioners lifted. Consequently, the impugned orders are also non-speaking orders.

6. Under the circumstances, the notices and the impugned orders can be said to be in breach of principle of natural justice and, therefore, the same is liable to be quashed and set aside.

7. In view of the above and for the reasons stated above on the aforesaid ground alone and without further intervening into the merit of the cases, the impugned orders are required to be quashed and set aside and the matters are required to be remanded



to the appropriate authority for fresh decision in accordance with law and on merits and after issuing the detailed show cause notice.

8. In view of the reasons stated above, all these petitions succeed. The impugned orders imposing/levying of composite fee/penalty are hereby quashed and set aside on the aforesaid ground alone, viz. the same are in breach of principle of natural justice. It will be open for the appropriate authority to issue fresh notice with full particulars and details and, thereafter, it will be open for the department/appropriate authority to pass fresh orders after giving an opportunity to the respective petitioners, in accordance with law and on merits. However, these petitions are allowed to the aforesaid extent. No costs.

(Mukesh R. Shah, CJ)

(Dr. Ravi Ranjan, J)

Sanjay/-Spd

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	01.09.2018
Transmission Date	NA

