

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8344 of 2016

=====

M/s Welcome Distilleries Pvt. Ltd. registered company incorporated under the Companies Act 1956 having its registered office at 2nd Floor, Super Market, Agrasen Chowk, Bilashpur, Chattisgarh and its distillery at Chherkabandha, than Kota District Bilashpur, Chhatisgarh through its Assistant General Manager Abinash Kumar Son of late Bisheshwar Prasad Resident of Mohalla- Makhaniya Kuna, P.S. Pirbahore, District Patna.

.... 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, Sasaram.
4. The Assistant Commissioner of Excise, Sasaram.

.... Respondent/s

=====

Appearance :

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

For the Respondent/s : Mr. Lalit Kishore, Advocate General

=====

CORAM: HONOURABLE THE CHIEF JUSTICE

and

**HONOURABLE MR. JUSTICE ANIL KUMAR
UPADHYAY**

ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

8 02-02-2018 Having heard learned counsel for the parties, we direct that now in view of the imposition of the Bihar Prohibition and Excise (Amendment) Act, 2016, the petitioner would be at liberty to remove all plant and machinery and other equipments from the site in question and transport the same to his place, as he may desire. However, the respondents' right to recover any amount from the petitioner based on the Bank guarantee submitted at the time of submission of the tender for the allocation of the dealership in question or the establishment in question shall not be



adversely affected by this order.

Needless to emphasize that recovery, if any, shall be made from the petitioner after following the due process of law. The respondents shall permit the petitioner to remove all the plant and machinery within a period of two weeks from the date of receipt of a copy of this order.

The writ petition stands disposed of.

(Rajendra Menon, CJ)

(Anil Kumar Upadhyay, J)

Uday/-

U			
---	--	--	--

