

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Review No.311 of 2014

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1. The State of Bihar through the Commissioner, Excise and Prohibition Department, Bihar, Patna.
 2. The Secretary, Excise and Prohibition Department, Bihar, Patna.
 3. The Member, Board of Revenue, Govt. of Bihar, Patna.

.... Respondents-Petitioner/s

Versus

Ashish Kumar Sinha, S/o Sri Parmanand Sinha R/o Dr. Narayan Prasad Lane Khajurbanna, P.S. Sultanganj, District Patna.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Lalit Kishore, A.G.

For the Respondent/s :

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA

and

HONOURABLE MR. JUSTICE ARUN KUMAR

ORAL ORDER

(Per: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA)

9 28-03-2018 Heard Mr. Lalit Kishore, learned Advocate General appearing on behalf of the State.

The State has filed this review petition for reviewing the portion of the order dated 22.07.2014 passed in C.W.J.C. 5029 of 2014 directing the Principal Secretary-cum-Excise Commissioner, Bihar to take appropriate action in the matter against the erring officials within a reasonable time not exceeding three months from the date of receipt/production of a copy of this order in view of the report of the Comptroller and Auditor General of India in paragraph 3.2.2.5 to the extent that 91,950.86 L.P.Litres of country made liquor was supplied by the stockiest, Beverage Corporation, to the retailers whereas the liquor was not



fit for human consumption.

Mr. Lalit Kishore, the learned A.G., has submitted that report was placed in the House and the same was sent to the Public Accounts Committee of the House. The Public Accounts Committee, vide its report No. 562 dated 20.03.2015, submitted report after considering the report of the Excise Department, Finance Department, Beverage Corporation and Registration Department and recommended for action to be taken against the erring officials. The Department concerned took action in accordance with law after the report of the Public Accounts Committee was accepted by the House. It is submitted that instead of direction of Principal Secretary-cum-Excise Commissioner take action on the basis of audit report, this order be modified to the extent that the concerned authority may take appropriate action in view of the report of the Public Accounts Committee duly accepted by the House.

Considering the facts and circumstances aforesaid, we find that in the report of the Comptroller and Auditor General of India certain irregularities were found and the same was placed before the House. The Public Accounts Committee considered the report and also considered the reply of the concerned department, thereafter accepted some explanation from the concerned authority



and recommended for action in accordance with law and the authority has taken action in pursuance thereof.

In this view of the fact, order dated 22.07.2014 passed in C.W.J.C. 5029 of 2014 is modified to the extent that the concerned authority may take action in accordance with law in view of recommendation of the Public Accounts Committee against the erring officials. Civil Review Petition stands disposed of accordingly.

(Prabhat Kumar Jha, J)

(Arun Kumar, J)

Sujit/-

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