

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6237 of 2018

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1. Suraj Prakash, Son of Sh. Banarasi Prasad, Resident of Shivalaya Mandir Road, Ward No.10, Post & Police Station- Bairstania, District- Sitamarhi.

.... 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, Bihar, Patna.
3. The Collector, Sitamarhi.
4. The District Certificate Officer, Sitamarhi.
5. The Superintendent of Excise, District- Sitamarhi.
6. The Sub-Inspector, Excise, District- Sitamarhi.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Manoj Kumar, Adv.

For the Respondent/s : Mr. Anil Kumar Sinha -GA1

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN
ORAL JUDGMENT

2 30-05-2018 The petitioner questions the proceedings arising from Certificate Case No.2 of 2016-17 before the District Certificate Officer, Sitamarhi. According to Mr. Manoj Kumar, the petitioner has filed his objection under Section 9 of the Bihar and Orissa Public Demand Recovery Act on 19.12.2016, however, the copy of the same is not on record. According to Mr. Manoj Kumar, without disposing of the objection that a warrant has been issued the copy of which, again has not been enclosed. A copy of the ordersheet has been enclosed and which records an order of issuance of a bailable warrant on 04.02.2018. However, again what has transpired thereafter is not on record. The ordersheet also



confirms the absence of the petitioner since after 03.07.2017.

A discretionary remedy is not meant for defaulters.

In the circumstances noted and while directing the petitioner to register appearance before the District Certificate Officer, Sitamarhi, this Court would stay the operation of the bailable warrant so issued by the District Certificate Officer, Sitamarhi for a period of four weeks from today i.e. until 27.06.2018 and should the petitioner register his appearance in the meanwhile, the District Certificate Officer, Sitamarhi, the warrant issued, shall stand discharged, however, in case the petitioner fails to register his appearance before the District Certificate Officer, Sitamarhi on or before 27.06.2018, this order would stand recalled leading to the dismissal of the writ petition.

The writ petition is disposed of with the stipulation above.

(Jyoti Saran, J)

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