

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.5803 of 2018

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Prem Yadav, son of Uma Yadav, resident of village & Post Serahwa, Police Station Ramnagar, District West Champaran

.... Petitioner

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, West Champaran, Bettiah
4. The District Certificate Officer, West Champaran, Bettiah
5. The Sub-Divisional Officer-cum-Certificate Officer, Bagaha, District West Champaran.
6. The Superintendent of Excise, West Champaran, Bettiah

.... Respondents

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Appearance :

For the Petitioner : Mr. Manoj Kumar
Ms. Saleha Sabia, Advocates
For the Respondents : Ms. Roona, AC to GP 7

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 03-04-2018

Heard learned counsel for the petitioner as well as
learned counsel for the State.

2. The present writ petition has been filed for the
following reliefs –

“(i) For issuance of writ in the nature of certiorari for quashing the Order Dt. 15/02/2018 passed by the Certificate Officer in Certificate Case No. 46/2016-17 whereby and whereunder warrant has been issued against the petitioner (Annexure-3).

(ii) For issuance of a writ directing the respondents to decide the Certificate Case No. 46 of 2016-17 initiated against the petitioner in accordance with law and not on the basis of the demand raised by the Excise



Superintendent, West Champaran Bettiah.

(iii) For issuance of writ directing the respondent to re-calculate the dues on the basis of the lifting quota supplied by the respondents to the petitioner's Group/shops."

2. It is submitted on behalf of the petitioner that the entire proceedings in Certificate Case No. 46/2016-17 against the petitioner in terms of Section 7 of the Bihar & Orissa Public Demands recovery Act (for short, "the Act") for recovery of the dues amounting to Rs. 4,94,820/- are wholly illegal and liable to be quashed.

3. The immediate concern of the petitioner in this case is that a warrant of arrest has been issued against him in connection with the dues amounting to Rs. 4,94,820/- recoverable in terms of the notice dated 18.07.2016 issued by the District Certificate Officer, West Champaran, Bettiah in Certificate Case No. 46/2016-17.

4. It is further submitted that an objection petition under Section 9 has already been filed which is pending before the District Certificate Officer but without disposing of the same, the warrant of arrest has been issued.

5. With the consent of parties, the present writ petition is disposed of granting liberty to the petitioner to file his petition under Section 9 of the Act within a period of three weeks from today, which, if done, shall be disposed of by the District Certificate Officer on its own



merits within a further period of four weeks thereafter in accordance with law and in terms of Section 10 of the said Act.

6. It is made clear that until disposal of such petition, if filed, the District Certificate Officer, West Champaran, Bettiah, shall not resort to any coercive action for recovery of the dues against the petitioner in Certificate Case No. 46/2016-17.

(Vikash Jain, J)

B.T/Chandran

AFR/NAFR	NAFR
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