

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5391 of 2020

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Phulkunwar Yadav, Son of Ramavtar Yadav, Resident of Village- Deendyal
Nagar, P.O. and P.S.- Bagaha, District- West Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar through the Secretary, Excise and Prohibition
Department, Government of Bihar, Patna.
2. The Excise Commissioner Bihar, Patna.
3. The Collector West Champaran, Bettiah.
4. The Superintendent of Excise West Champaran, Bettiah.
5. The Certificate Officer West Champaran, Bettiah.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Ashok Kumar Singh, Advocate
For the Respondent/s : Mr.Vivek Prasad, GP-7

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CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE S. KUMAR
ORAL JUDGMENT
(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 15-09-2020

Petitioner has prayed for the following relief(s):

- “i. For issuance writ/writs, order/orders, and
direction to hold and declare that the security deposit
being an amount deposited assuring due
compensation in case of default of payment, the
security deposit furnished by the petitioner against
Settlement of Group No. 53, retail liquor shop in the
District of West Champaran, Bettiah for the year
2014-15 is liable to be adjusted against the
outstanding dues of license fee.
- ii. For issuance of writ/writs, order/orders for
commanding and directing the respondent authorities



to adjust the security deposit of Rs. 5,24,456/- (including interest) against the outstanding dues of license fee against the Group. No. 53 retail liquor shop settled with the petitioner for the year 2014-15.

iii. For directing the respondents not to take any coercive measure without adjusting the amount of security from the licence fee and not to proceed with certificate case no. 25/2015-16.

iv. For issuance of any writ/writs, order/orders, direction/directions as your Lordships may deem fit and proper in the facts and circumstances of the case.”

It is the petitioner’s case that the respondent authorities have failed to adjust an amount of Rs. 5,24,456/- pertaining to the security deposit.

Sri Vivek Prasad, Learned G.P. 7, appearing for the State, states that all the amount due and payable/reimbursable to the petitioner shall be adjusted but such fact has to be determined in the certificate proceedings wherein the petitioner can raise all pleas in his objection petition.

Learned counsel for the petitioner seeks to reply upon the decision rendered in (2008) 14 SCC 85, titled as V.K.Ashokan vs. Assistant Excise Commissioner as also in CWJC No. 18598 of 2015, titled as Upendra Kumar Vs. The State of Bihar & Ors. and analogous cases decided on



01.08.2017.

The petition stands disposed of in the following terms:

(a) hearing of the certificate proceedings is expedited;

(b) petitioner undertakes to fully co-operate in the proceedings and not to take any unnecessary adjournment;

(c) we notice that the proceedings pertains to the year 2014-15, hence be positively decided within a period of three months;

(d) we direct the petitioner to make himself available either in person or through virtual mode before the Certificate Officer on 30.09.2020 at 10:30 A.M.;

(e) as agreed, learned counsel for the petitioner undertakes to supply the particulars of his E-mail I.D. and phone number to Sri Vivek Prasad, learned counsel for the State, who shall ensure that link of the proceeding is sent to learned counsel for the petitioner.

(Sanjay Karol, CJ)

(S. Kumar, J)

Sujit/-

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	

