

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18983 of 2019

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Nand Kishore Poddar Son of Late Ramjiwan Poddar, Resident of D.N.Singh Road, Lakhi Babu Ka Bagicha, Kharmanchak, P.S. Kotwali, District Bhagalpur.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Govt. of Bihar Patna.
2. The Principal Secretary, Department of Registration, Excise and Prohibition, Govt. of Bihar, Patna.
3. The Excise Commissioner, Bihar Patna.
4. The Deputy Commissioner of Excise, Bihar Patna.
5. The District Magistrate, Bhagalpur.
6. Superintendent of Excise, Bhagalpur.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Dr. Manoj Kumar
For the Respondent/s : Mr.Vivek Prasad (Gp7)

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

Date : 24-11-2020

Heard the parties.

Petitioner has prayed for following relief:-

“For issuance of an appropriate writ/writs in the nature of writ of mandamus commanding upon the concerned respondents to renew licence No.1/2003-04 for wholesale of Denatured Spirits since 2016 up till now in the light of order of Excise Commissioner, Bihar, Patna contained in order no.3680 dated 2.11.18.”

Petitioner was holding licence being licence no.1/2003-



04 for wholesale business of Denatured Spirits i.e. spirits which has been rendered unfit for human consumption and said licence was renewed upto 2015-16 and in the light of Excise Act, 2015, licence was not renewed with effect from 1.4.2016 to the petitioner company as well as other such companies.

The decision of the government not to renew the licence was challenged by some of the companies before Hon'ble High Court and by order dated 30.9.2016 passed in CWJC No.5795 of 2016, it was held that State cannot cancel, refuse to renew any licence for manufacture of industrial alcohol or Denatured Spirits and District Collector would be obliged to renew the same.

It is submitted that petitioner will be satisfied if representation of petitioner is considered by the District Magistrate, Bhagalpur for renewal of his licence in terms of judgment and order passed by this Court as well as Apex Court.

This writ petition is disposed of with liberty to petitioner to file a detailed representation enclosing judgment and order passed by this Court as well as Apex Court before respondent no.5, the District Magistrate, Bhagalpur for renewal of his suspended licence and same shall be considered by the District Magistrate, Bhagalpur in accordance with law and pass



a speaking and reasoned order within 30 days from the date of
filing of such representation.

(Sanjay Karol, CJ)

(S. Kumar, J)

Sanjay/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	30.11.2020
Transmission Date	NA

