

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.1069 of 2019

In
Civil Writ Jurisdiction Case No.4905 of 2019

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Dharmendra Mandal Son of Lakshmi Mandal, Resident of Village-Maksaspur,
P.S.-Kasim Bazar, District-Munger

... .. Appellant/s

Versus

1. The State of Bihar through Secretary, Excise Department, Govt. of Bihar Patna.
2. The Principal Secretary, Excise Department, Govt. of Bihar Patna.
3. The Collector Cum District Magistrate, Munger.
4. The Superintendent of Excise, Munger.
5. The Certificate, officer, Munger.

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr. Jyoti Ranjan Jha, Advocate
For the Respondent/s : Mr. Pushkar Narain Shahi (Aag6)

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

Date : 24-02-2021

Heard the parties.

Aggrieved by the judgment and order dated 25.07.2019
passed in C.W.J.C. No. 4905 / 2019 passed by learned Single
Judge of this Hon'ble Court dismissing the writ petition, the
appellant has preferred this LPA.

Appellant had filed writ petition for setting aside entire
proceeding of certificate case no. 15/2016-2017 pending before
Certificate Officer, Munger as well as stay of warrant of arrest



issued against appellant by the Certificate Officer.

Briefly stated the facts of the case is that a certificate case being certificate case no.6/2016-17 was initiated against appellant for recovery of Rs.5,11,320/- by the Certificate Officer, Munger on requisition dated 6.6.2016 made by Excise Superintendent, Munger and on 23.11.2016, a demand notice was issued against appellant to deposit Rs.5,11,320/-.

Objection was filed by appellant which was sent to the requisitioning department for its comment and same was submitted vide letter no.488 dated 9.5.2018 stating therein that appellant has committed forgery in the matter of payment of licence fee through challan as it was revealed in course of audit that forged challans were issued for getting renewal of the licence of the liquor shop and accordingly the certificate officer vide its letter dated 27.6.2018 held that appellant has misappropriated the amount through forged challans and, as such, said amount is recoverable. The Certificate Officer has rejected petition dated 8.10.2018 of appellant for recall of his order.

Learned Single Judge has dismissed the writ petition with liberty to appellant to avail the statutory remedy of appeal against said order.



This Court does not find any error or infirmity in the order passed by learned Single Judge and, accordingly, this LPA is dismissed.

(Sanjay Karol, CJ)

(S. Kumar, J)

Sanjay/-

AFR/NAFR	NAFR
CAV DATE	NA
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