

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7684 of 2020

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Majhaulia Sugar Industries Private Limited Majhaulia, West Champaran Bihar- 845454, through its Authorised Signatory, Ajit Kumar (male), S/o Harishchandra Verma, aged about 67 years, R/o- Majhaulia, West Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar Through Principal Secretary, Department of Excise and Prohibition, Govt. of Bihar.
2. The District Magistrate East Champaran at Motihari.
3. The Superintendent Department of Excise and Prohibition, East Champaran at Motihari.
4. The Inspector Range- Sikrahana, Department of Excise and Prohibition, East Champaran at Motihari.

.. ... Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Rajeev Ranjan, Advocate
For the Respondent/s	:	Mr. Vikash Kumar, SC 11
		Mr. Arvind Kumar, Advocate

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CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
and

HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE P. B. BAJANTHRI)

Date : 18-08-2023

Heard learned counsels for the respective parties.

2. On 09.08.2023, following order was passed:

“Heard learned counsels for the parties.

2. In the instant petition petitioner has prayed for following reliefs:-

"1. That, the petitioner seeks indulgence of this Hon'ble Court for issuance of writ/order/direction/declaration in the nature of Mandamus or any other appropriate writ/order or direction in the nature thereof -

I. To release the seized goods (25000 liters of (सुशव)/ SUSHAV / Spirit/ DNE Ethanol), in favor of the petitioner, which has been seized in



connection with Motihari EXCISE Case No. - 195/2020 dt. 26.04.2020; u/s 30(a), (f), 31, 32, 38, 41(1) & 47 of the Bihar Prohibition and Excise Act 2016 read with Bihar Excise Amendment Act 2018, in favor of the petitioner, during pendency of the confiscation case if any arising out of the instant case.

II. Any other order or orders."

3. Issuance of writ of mandamus is impermissible in the absence of certain demands before the competent authority with reference to release of seized goods. Therefore, the present writ petition is pre-mature. Accordingly, the present petition stands disposed of reserving liberty to the petitioner to approach the competent authority within a period of four weeks from today. In the event of making any application/ representation on behalf of the petitioner, the competent authority is hereby directed to decide the petitioner's application/ representation within a reasonable period of time.

4. At this stage, learned counsel for respondent-State seeks time.

5. Re-list this matter on 18.08.2023."

3. Today, learned counsel for the State-respondent pointed out earlier order dated 17.09.2020 read with reports submitted by the concerned official respondent. It is submitted that the seized articles, *i.e.*, 25000 liters of SUSHAV/Spirit/DNE Ethanol is stated to have been disposed of and a sum of Rs. 9,24,141/- was realized. The same has been deposited in the Treasury. In this regard, the competent authority is hereby directed to examine the earning of interest on the aforementioned amount. In the interest of State Government such amount is required to be deposited in a nationalized bank so as to earn interest. In the event



of petitioner succeeding in the matter, he is entitled to recover such amount along with interest in that event State has to suffer interest part. In this regard, necessary action shall be taken by the concerned authority.

4. Having regard to these developments, present writ petition stands disposed of in the light of order dated 09.08.2023 cited *supra*.

5. Further, the petitioner is at liberty to approach the competent authority insofar as grievance of the petitioner in defending the case with reference to occurrence dated 25.04.2020 read with Motihari Excise Case No. 195 of 2020 dated 26.04.2020 in accordance with the relevant provisions of the Bihar Prohibition and Excise Act, 2016 read with Bihar Excise Amendment Act, 2018 and ancillary rules relating to the aforesaid Act in the light of the observation made on 09.08.2023.

(P. B. Bajanthri, J)

(Arun Kumar Jha, J)

GAURAV S./-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	24.08.2023
Transmission Date	NA

