

28th February,
2024
(AK)
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W.P.A 1380 of 2024

Shyama Prasad Saha
Vs.
The State of West Bengal and others

Mr. Krishnendu Sarkar
Ms. Megha Das

...for the petitioner.

Mr. Amal Kr. Sen

...for the State.

1. The petitioner runs a Pachwai and country liquor shop and has excise licence for the same.
2. An untoward incident happened in the outer periphery of the precincts of the said shop; a dead body was found there.
3. Consequently, a commotion arose and the petitioner's shop had to be closed. Upon the petitioner returning, it was found that someone had put a lock on the entrance to the premises, thereby preventing the petitioner from running the business.
4. An oral communication was made to the petitioner, allegedly by the respondent nos.3 to 5, to the effect that the petitioner was required to rectify certain lacunae on the part of the petitioner.

5. For example, there were insufficient number of CCTVs and there was no night vigil in the precincts of the shop.
6. On such impression being given to the petitioner verbally, the petitioner gave an affidavit to the effect that all such formalities will be complied with by the petitioner.
7. It is submitted by learned counsel for the petitioner that a show-cause notice was also issued in consonance with the oral communication to the petitioner, in reply to which the affidavit referred to above was also given.
8. It is submitted that the proceedings on the said show-cause notice have been kept pending.
9. The petitioner's shop room, however, still remains closed. The petitioner, thus, submits that the show-cause proceedings may be disposed of at the earliest and the petitioner be permitted to open the shop room and run his business in the meantime.
10. Learned counsel for the State submits that indeed a show-cause notice was issued to the petitioner since the corpse was found under suspicious circumstances within the precincts of the petitioner.
11. However, the respondents refuse any role in affixing the lock on the entrance of the shop room.

12. Regarding the prayer of the petitioner for early disposal of the show-cause proceedings, learned counsel for the State does not have any objection to the same on principle.
13. Learned counsel for the petitioner apprehends that if due formalities are not complied with when the shop is reopened, the petitioner may be held guilty of having illicitly dealt with liquor lying in the shop, which could not be inspected by the petitioner in the meantime due to the shop remaining closed.
14. Hence, it is submitted that the opening status of the products in the shop and the ledger, etc. have to be tallied with the time when the shop was last closed.
15. In view of the above submissions, WPA 1380 of 2024 is disposed of by directing the respondent no.2, that is, the Additional District Magistrate (G) and Collector of Excise, Nadia to decide on the proceeding initiated against the petitioner in terms of the show-cause notice issued to the petitioner regarding the petitioner's liquor shop at the earliest, positively within two weeks from the date of communication of this order to the said respondent.
16. It is made clear that the petitioner will be at liberty to remove the lock affixed on the door of the petitioner's shop by unknown persons and reopen

his shop and run the same during the pendency of the show-cause proceeding subject, of course, to the final outcome of the said proceeding.

17. At the juncture of reopening of the shop room, the petitioner will be entitled to insist upon compliance of due formalities, if any, on the part of the authorities.
18. There will be no order as to costs.

Urgent photostat copies of this order, if applied for, be given to the parties upon compliance of all requisite formalities.

(Sabyasachi Bhattacharyya, J.)