**IN THE HIGH COURT OF JUDICATURE AT PATNA**
**Civil Writ Jurisdiction Case No.3022 of 2025**

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Chandan Kumar Soni Son of Shri Prithvi Prasad Soni Resident of Village and Valmikinagar, Police Station- Bhaisalotan, District-West Champaran.

... ... Petitioner/s

Versus

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

... ... Respondent/s

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**Appearance :**

For the Petitioner/s : Mr.Manoj Kumar, Adv.
For the Respondent/s : Mr.Government Pleader (24)

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**CORAM: HONOURABLE MR. JUSTICE A. ABHISHEK REDDY**

ORAL ORDER

3 12-08-2025 Heard the parties.

2. The present writ petition has been filed for the following relief(s) :

*i) For issuance of writ in the nature of certiorari, quashing the entire certificate proceeding initiated against the petitioner bearing Certificate Case No.45 of 2015-16 demanding Rs. 16,21,097/- (Annexure-P/5).*

*ii) To hold and declare that declare that the impugned demand of movement fee against the unlifted quota of* *liquor is wholly illegal, arbitrary and without any authority in law.*

*iii) For issuance of writ directing the respondents to refund the Security amount as well as Advance amount to the petitioner alongwith statutory interest.*

*iv) For issuance of writ refraining the District Certificate Officer, West Champaran, Bettiah from taking any coercive measure against the petitioner during the pendency of the present writ petition.*

*v) For any other relief/ reliefs for which the petitioner is entitled for in the eye of law.*

3. Learned counsel for the petitioner states that the matter is squarely covered by the judgment of this Hon'ble Court passed in C.W.J.C. No. 18598 of 2015 and analogous cases dated 26.07.2017. Learned counsel has stated that the issue involved in the said batch of cases is as under :

*"Whether the respondents would be entitled to charge movement fees on unlifted quantity of annual minimum guarantee quota from a retail dealer under the Settlement Policy retail sale of Country Liquor/Spiced Country Liquor/Foreign Liquor/Beer and Composite Liquor ?"*

4. The Hon'ble Division Bench of this Court while dealing with the said issue has held as under :

> *"33. Coupled with the above, as per Section 2(9) of the Bihar Excise Act, 1915, the excise-revenue means revenue derived or derivable from any duty, fee, tax, payment (other than a fine imposed by a criminal court) or confiscation imposed or ordered under this Act or any other law for the time being in force relating to liquor or intoxicating drugs. As already noticed earlier, there is no provision under the Act or the Rule, which provides for the levy of movement fee on the lifted quota of liquor not lifted by a licensee as against his minimum guarantee quota.*
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> *34. Thus, in our considered view, the impugned demand, raised by the Excise Superintendent, for payment of movement fee against unlifted quota of annual minimum guarantee quota of the petitioners, is without any authority of law and wholly without jurisdiction and the impugned demands are, accordingly, set aside.*
>
> *35. The respondents are directed to refund the security deposit as non-payment of movement fees was the only ground for withholding the same, which we have held to be lacking legislative sanction."*

5. The above judgment rendered by the Division Bench has not been controverted by the Respondent-State.

6. Having regard to the same the certificate

proceedings initiated against the petitioner vide Certificate Case No. 45 of 2015-16 is hereby quashed.

7. The Writ Petition is accordingly **allowed**. In case the petitioner is aggrieved by the withholding of the security deposit or any other amount the petitioner is granted liberty to file a suitable representation for refund of the same within a period of four weeks from the date of this order. On such representation being made the Respondents are directed to pass necessary orders on the same as expeditiously as possible preferably within a period of eight weeks from the date of receipt of the representation by the petitioner. Any order pass shall be communicated to the petitioner.

**(A. Abhishek Reddy , J)**

Shamshad/-

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