
SOCIO-ECONOMIC COSTS OF PENDING EXCISE CASE IN BIHAR: A SEARCH FOR WAY OUT

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ABSTRACT

This work is an analysis of the effect of the pendency of excise-related cases in Bihar on society and the economy also it provides possible remedies that can curb the problem of pendency. The rise in pendency is witnessed after the Blanket ban on liquor in Bihar in 2016. Since then a lot of people have been arrested and there is reporting of a huge number of cases. Pendency in the judiciary has a very serious effect but when it is attached to a state like Bihar its study becomes very essential as the state comes under one of the least developed states. The pendency is affecting both the society and the economic condition of people as well as the government. A joint and serious effort from the administration and civil society is needed to curb the problem of pendency.

Keywords: *Excise Case, Socio-Economic Cost, Pendency, Bihar, Way Out*

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1. INTRODUCTION

“If litigation were to be included in the next Olympics, India would be quite certain of winning at least one gold medal”

These are the words of Nani Palkiwala regarding the status of the Indian judicial system where the slow rate of disposal has led to huge pendency of cases. As per data around 36% of cases are pending for more than 3 years.¹² The pendency of cases has various serious effects on society.

Bihar one of the backward states of India announced it to be a dry state in 2016. Around 51.91% of the population as per Niti Aayog's Multidimensional Poverty Index (MPI), In Bihar is poor.²³ Prohibition was aimed at women's empowerment and human development as it was stated by the government that a lot of money was being invested by the poor in the name of liquor intake which results in violence against women, street nuisance, and causes obstacles in the path of education of children.

More than 89% of the population of Bihar, lives in rural areas⁴ with agriculture being a key economic activity but there exists disguised unemployment in it due to a lack of modernization of technique, unequal distribution of land, and also fragmentation. Only 31.2 percent of the population of Bihar was employed in 2021, compared to 37.2 percent for India⁵ Also in the industrial sector, Bihar lags far away as the contribution of the industrial sector in GSDVA in Bihar is 19.4 percent in the year 2020-21 while 30.1 percent at the national level.⁶ The state also witnesses a large number of migrants of labor in search of employment in big cities as the data indicates that many of the households have more than one migrant with an average of 1.34 migrants per household in Bihar.⁷

² NATIONAL JUDICIAL DATA GRID, <https://njdg.ecourts.gov.in/njdgnew/index.php> (last visited Dec. 25, 2022).

³ Deepak Sood, *India Can't Eradicate Poverty Without Industrialization Of States Like Bihar, Jharkhand & Chhattisgarh*, OUTLOOK, (Jan 14, 2023, 9:29 PM), <https://www.outlookindia.com/business/india-can-t-eradicate-poverty-without-industrialization-of-states-like-bihar-jharkhand-chhattisgarh-news-224337>.

⁴ Debabrata Samanta & Shivani Narayan, *Human Development in Bihar and Impact of Liquor Prohibition Policy: An Analysis*, 7 JGPP, 27, 27, (2017)

⁵ Kritika Sharma, Nirmal Poddar, *Unemployed for years, craving govt job: Why the story of Bihar's youth is of struggle & despair*, THE PRINT, (March 16, 2023, 9:29 PM), <https://theprint.in/india/unemployed-for-years-craving-govt-job-why-story-of-bihars-youth-is-of-struggle-despair/826066/>.

⁶ Finance Department, Bihar Economic Survey (2022-23), Economic survey 2022-23, 49 (Finance Department, Government of Bihar, 2022).

⁷ Archana ET AL, *Causes and Consequences of Out Migration From Middle Ganga Plain*, 46 International Institute of Popular Sciences, (2021).

Lack of leisure activity and unemployment cause a distraction for youth and led to their involvement in unlawful activity and liquor consumption.

As Bihar ranks 21st out of 23 Indian states in terms of human development, it has achieved comparatively little progress in that area. (United Nations Development Programme) in 2011⁸ the prohibition is anticipated to empower women and cause them to have more disposable cash to spend on human development inputs, the policy is intended to help Bihar develop sustainably through this method. Liquor prohibition is claimed to be a crucial step that would indirectly cause savings in households, which could then be better invested in Human Development inputs like better education, and health care.

The power to make laws regarding liquor was given to the states by The Constitution makers as they thought it appropriate to mention it in the explicit language in Article 47⁹ of the Constitution while requiring the State to raise living standards and improve public health. The Bihar Prohibition Law was passed with the stated goal in mind. When Karpoori Thakur was in office, Bihar already had a liquor ban in place as of March 1979. Ram Sundar Das, however, relaxed the prohibition as a result of rising corruption and bootlegging.

Bihar has witnessed a heavy surge in reporting of excise cases after the prohibition of consumption, and production distribution of liquor completely in 2016. At its peak, the law resulted in over 3.5 lakh arrests, or one every ten minutes, on average¹⁰ under the stringent prohibition law since 2016 leading to crowded jails and clogged courts. However, only 2,629 cases have been disposed of.¹¹ The Patna High Court has approximately 200,000 prohibition-related matters pending, including 40,000 bail petitions.¹² Resulting in a serious concern for the judicial system which was already suffering from the problem of pendency and lack of infrastructure.

Among all the other costs of banning alcohol completely like loss of revenue, smuggling, and administration burden it also has badly affected the working of courts. The Pendency is

⁸ DEBABRATA *supra* note 3, at 29.

⁹ INDIA CONST. art. 43.

¹⁰ Manish Kumar, *2.7 lakh prohibition cases pending, High Court asks Bihar for plan*, NDTV, <https://www.ndtv.com/india-news/2-7-lakh-prohibition-cases-pending-high-court-asks-bihar-for-plan-2103363> (last visited Dec. 25, 2022).

¹¹ *Id.*

¹² Tarun Sharma, *Huge Numbers Of Pending Prohibition-Related Cases In Bihar*, SPIRITZ (Dec 27, 2022, 9:29 PM), <https://spiritz.in/2019/11/25/huge-numbers-of-pending-prohibition-related-cases-in-bihar/>.

affecting both societies as well as the economy and the losses due to pendency are the costs of pendency. We will discuss the cost of pendency to both society and the economy and will try to find a possible way out which could enhance the productivity and efficiency of the judicial system.

2. SOCIAL COST OF PENDENCY

When an item is prohibited in our nation, a new system is born where the same products are sold on the black market for a greater price. Even though alcohol has been prohibited for the past six years, the same thing is taking place in Bihar. The ban has created a network of mafias who are illegally smuggling and manufacturing liquor and they are creating huge money by selling at high rates. the rate of conviction of statute is 1 percent¹³, and the same is favorable for the morale of big mafias as they have no fear of the law. This is quite evident from the data that more than 13.87 lakh liters of alcohol were seized in the first five months of 2022.¹⁴ in the state which shows the existence of an illegal trade network in the state. The emergence of mafias and illegal trade has caused a threat to law and order.

The pendency has vitiated the very aim of the prohibition law as an increase in hooch tragedies, a large number of seizer, and arrests shows that even after 6 years of law its effectiveness is negligible. Only in October 2022, 2.56 lakh liters of illicit alcohol were confiscated from locations around Bihar, and 172 arrests are made on average per day, Bihar Police stated that substantial amounts of illegal alcohol were confiscated in five different districts throughout the state. The Bihar state capital Patna is followed by Muzaffarpur, Madhubani, Vaishali, and Samastipur.¹⁵ This demonstrates that alcohol is readily available in the state and can be smuggled, proving that the statute's objective to prohibit alcohol has been unsuccessful.

The police force is the backbone of any civil society and ought to be trusted above all by the people it protects, but due to the low conviction rate, easy access to alcohol, and lack of

¹³ *Bihar liquor law: Less than 1% convicted since 2016*, INDIAN EXPRESS, (last visited Dec. 28, 2022). <https://indianexpress.com/article/cities/patna/bihar-liquor-law-less-than-1-convicted-since-2016-8329112/>

¹⁴ *In dry Bihar, 13 lakh litres of liquor seized in 5 months*, TIMES OF INDIA, <https://timesofindia.indiatimes.com/city/patna/in-dry-bihar-13l-litres-of-liquor-seized-in-5-months/articleshow/92506830.cms#:~:text=PATNA%3A%20The%20first%20five%20months,the%20state%20police%20on%20Monday> (March 26, 2023, 9:29 PM).

¹⁵ *DNA Special: Why Bihar continues to reel under hooch tragedies despite blanket ban on liquor?*, DNA, <https://www.dnaindia.com/analysis/report-dna-special-why-bihar-continues-to-reel-under-hooch-tragedies-despite-blanket-ban-on-liquor-3010755> (last visited Dec. 27, 2022).

oversight of the big fish, the public has lost faith in the police and the government. The pendency has made the law infamous among commoners due to these factors.

The Prohibition Act of Bihar criminalizes even consumption and distribution so the administration has to focus on a large number of people including petty offenders who are mainly poor together with big fish. To locate those involved in smuggling alcohol in the state, some 180 anti-alcohol task force teams, 25 trained dog squads, drones, a speed boat, and a helicopter are being deployed.¹⁶ they are not enough. The administration has to face four-sided challenges as together with the regular responsibility of law and order, they also have to engage in more number of trial due to liquor prohibition.

Due to more focus on excise cases, the resources of police and administration has distributed and this has led to an increase in other crimes as is evident from the data cognizable crimes and major crimes increased- In 2016, 189681 cognizable cases were recorded in Bihar which increased to 236037 in 2017 and 262802 in 2018, also the number of major crimes increased from 52316 in 2016 to 58846 in 2017 and 64118 in 2018.¹⁷ The police resources were already suffering from huge deficiency as against the strength of 1.11 lakh policemen, Bihar police only have 77000 also in the police public ratio Bihar ranked 33rd in the country with a ratio of 1:839.¹⁸

The pendency of cases has to severe effect on the communities, who were earlier involved in the manufacture and selling of liquor and related products which was their source of livelihood. These communities mainly come under Scheduled Castes and Scheduled Tribes. Many of the person arrested belongs to these community as per data Scheduled Castes (SCs) account for just 16 percent of the population while their share among those arrested is 27.1 percent and Scheduled Tribes (STs) account for just 1.3 percent of the population, however, they comprise 6.8 percent of those arrested.¹⁹ Now, these communities, on the one

¹⁶*In dry Bihar, 13 lakh litres of liquor seized in 5 months*, TIMES OF INDIA, <https://timesofindia.indiatimes.com/city/patna/in-dry-bihar-13l-litres-of-liquor-seized-in-5-months/articleshow/92506830.cms#:~:text=PATNA%3A%20The%20first%20five%20months,the%20state%20police%20on%20Monday> (March 26, 2023, 9:29 PM).

¹⁷ *What did Nitish get from the liquor ban in 80 months how much benefit and loss to Bihar*, NEWSGOSSIP24, <https://newsgossip24.com/trending-news/what-did-nitish-get-from-the-liquor-ban-in-80-months-how-much-benefit-and-loss-to-bihar/> (last visited Dec. 24, 2022).

¹⁸ *Bihar ranks 33rd in police-public ratio, Jharkhand better*, TIMES OF INDIA, <https://timesofindia.indiatimes.com/city/patna/bihar-ranks-33rd-in-police-public-ratio-jharkhand-better/articleshow/58098827.cms> (last visited Dec. 26, 2022).

¹⁹ *Prohibition in Bihar: Marginalised bear the brunt of the law* NEWSCLICK,

hand, don't have a source of livelihood, and on the other hand, they have to suffer the cost of expensive judicial proceedings. So the pending cases are creating a huge burden for the poor and marginalized communities who lost their livelihood.

The prohibition has directly affected the working of the judiciary as the rate of disposal of the case in subordinate courts of Bihar is already 6.28 years for a case which is expected to go upward as in subordinate courts pending excise cases being around 25%, as per official figures.²⁰ Working of subordinate courts and the high court in Bihar has been affected badly as the subordinate courts were already facing a huge burden of cases data shows the total number of civil cases pending in Bihar's subordinate courts stands at a staggering 3.337 million, including over 2.878 million criminal cases.²¹ Due to the overburdening of Prohibition and Excise cases, judges are not able to start a fresh trial and only deal with bail petitions in which the accused is competent for bail under clauses (a) and (b) of section 37.²² Also, there exists 46% vacancies in the subordinate courts in Bihar.²³ All these have resulted in the pendency of cases related to other departments and have slowed the rate of disposal of cases in the subordinate judiciary which was already working at a glacial pace. The high court is also facing this challenge of overload as already 40,000 bail petitions are pending with the Patna High Court.²⁴

Consequently, these pending cases are creating a huge burden for the poor and marginalized communities as they have to wait for long periods.

3. ECONOMIC COSTS OF PENDENCY

It has mainly two aspects one upon the people and the other on the expenditure of the government. Since most of the people arrested for drinking or purchasing and selling alcohol are from low-income households, a high number of arrests and a slow pace of case disposition are hurting mostly the impoverished part of society. The report suggests that 90 percent of the

<https://www.newsclick.in/prohibition-bihar-marginalised-bear-brunt-law> (last visited Mar23, 2023).

²⁰ Arun Kumar, *One-fourth pending cases in Bihar courts related to excise, shows HC data*, HINDUSTAN TIMES, <https://www.hindustantimes.com/cities/patna-news/onefourth-pending-cases-in-bihar-courts-related-to-excise-shows-hc-data-101630480917935.html#:~:text=The%20total%20number%20of%20civil%20cases%20pending%20in,anticipatory%20bail%20and%20314%20for%20quashing%20besides%20others>. (last visited Dec. 25, 2022).

²¹ *Id.*

²² The Bihar Prohibition and Excise Act, 2016, § 37, No. 20, Acts of Bihar State Legislature, 2016 (India).

²³ PRSINDIAN, <https://prsindia.org/policy/vital-stats/pendency-cases-judiciary> (last visited Dec. 25, 2022).

²⁴ Tarun, *supra* note 12.

illegal sale of liquor is among poor and backward people.²⁵ Many times even the accused are unable to furnish bail due to lack of money. In such a situation, the duration of the arrest got extended. The implication in False cases is also a serious concern. Many arrests are also made by implicating people in false cases. And lengthy and slow court proceeding is torturing the poor both mentally and economically. It was proposed by the government that a ban will be led to the utilization of money by the poor for healthy purposes but in contrast, a lot of money is going into court proceedings. In a country where the cost of defending a suit is very high, the people of the state with, a Per Capita NSDP of only Rs. 28,127 in 2020-21 in Bihar which is just 33.1 percent of the national average i.e Rs. 85,110²⁶ is just unbearable. The involvement of people in a costly and lengthy judicial process is just worsening the economic condition of people and leading them into debt while big fishes those who are organizing the whole network roam around free and making huge money due. This is proving the words of Charles Dickens true who while noting the ills of the English legal system lamented, "Law grinds the poor, the rich rides on them".

Pending cases have resulted in the long duration of arrest and this has resulted in overcrowding in the jails. In Bihar, there are 59 jails with a combined capacity of roughly 47 thousand inmates, but according to media reports, more than 66 thousand, or 42 percent more inmates, are kept there.²⁷ As per data, 1,71,749 persons were arrested in 2022 which was just the double total of 82,903 arrests made in 2021.²⁸ This data shows a serious concern for the human rights of prisoners and this is also violative of fundamental rights as the jail infrastructure in most of the jails is very poor additionally, overcrowding means even the basics essentials of life will be ignored. This is also creating a burden on the state expenditure as it has to spend more on the prisoners. The National Crime Records Bureau (NCRB) has information that shows that the average monthly cost of a prisoner is Rs. 29538 in 2014-15.²⁹ This means the pendency of

²⁵ *CIABC urges Bihar govt to end liquor prohibition*, Financial Express, <https://www.financialexpress.com/industry/ciabc-urges-bihar-govt-to-end-liquor-prohibition/2369025/> (last visited Dec. 25, 2022).

²⁶ *supra* note 6, at 5.

²⁷ *Thousands of Deaths Loss Of Revenue Burden On Police And Courts What Did Prohibition Give To Bihar* NEWS TIME EXPRESS, <https://www.newstimeexpress.com/knowledge-utility/thousands-of-deaths-loss-of-revenue-burden-on-police-and-courts-what-did-prohibition-give-to-bihar/> (last visited Dec. 25, 2022).

²⁸ *1.7 Lakh Held For Flouting Liquor Law In Bihar In 2022*, THE TIMES OF INDIA, <https://timesofindia.indiatimes.com/city/patna/1-7-lakh-held-for-flouting-liquor-law-in-bihar-in-2022/articleshow/96979557.cms> (last visited Mar24, 2023).

²⁹ *How much is spent on a prisoner in India*, NEWSLAUNDRY, <https://www.newslaundry.com/2016/06/22/how-much-is-spent-on-a-prisoner-in-india/#:~:text=Average%20expenditure%20per%20prison%20inmate%20increased%20by%20over,19447%20i>

cases is causing an economic burden together with serious concern about human rights violations.

Hence the pendency of excise cases have various social and economic costs as happening in the delays of other cases but in the context of Bihar, it has some additional cost like a burden on poor people and marginalized communities, the burden on low infrastructure judiciary, losing faith in administration, increase in other crimes and most importantly vitiating the very aim of the statute i.e prohibition. In terms of economic losses, the pendency is harming the poor by putting them into debt as well as the state by overcrowding jails.

4. Possible Way Out

To resolve the problems of pending cases several ways are suggested but here we would try to find an additional solution concerning excise cases and the state of Bihar which would increase the efficiency of the judicial system. As it is said that The A, B, C, and D of judicial reforms are all interlinked. Stands for Access, B for the backlog, C for cost, and D for delay³⁰ it says both the cause and effect of the problems are connected so the need of the hour is to make a serious attempt to resolve the issue.

The main weapon of the fight against delay and pendency increasing productivity through improved infrastructure, and the adoption of better strategies of management and training. Efficiency and productivity are closely related to the infrastructure that an organization controls. In terms of the judiciary, infrastructure includes both physical and human resources. As there are many vacant posts in the judicial system, their appointment is essential to improve infrastructure.

Model code of conduct for subordinate judiciary refers to the norm in which proceedings have to be done. It has been seen that daily, heavy posting of cases on an unscientific basis leads to fruitless activity, which wastes valuable court working hours. Also, no rules are prescribing how a trial judge has to set his board for calling and hearing cases.³¹ Therefore, certain norms of conduct should be formulated by high courts which to be followed by subordinate

n%202010-11%20to%20Rs%2029538%20in%202014-15. (last visited Dec. 25, 2022).

³⁰ Abhishek Singhv, *Reforms In The Administration Of Justice: Beating The Backlog*, Vol. 58, JILI 115, pg.124 (2016), <https://www.jstor.org/stable/45163064>.

³¹ K. Sreedhar Rao, CRIMINAL JUSTICE SYSTEM — REQUIRED REFORMS, Vol. 43, ILI,172(2001), <https://www.jstor.org/stable/43951765>.

courts. This will make the judicial work uniform easier and time efficient and will help in the easy disposal of cases.

Creating a suitable number of courts and judges commensurate to the amount of litigation in the area in question would be a scientific approach. District with the most number of cases should be highlighted and special attention must be given to them. The creation of separate database for the excise-related offense would help in special attention and disposal of cases. This will also make the tracking of cases easier and will save time.

Another option is the Appointment of ad-hoc judges in order of reducing the large number of vacant judicial positions by making ad-hoc judicial appointments. This is sanctioned by Article 224A of the Constitution.³² The constitutional provision permits ad-hoc appointments of judges in high courts for either five years or till such time an identified class of cases is cleared. This will be very effective as Patna high court have around 2,00,000 excise-related cases pending.³³ Also, the state government can make provisions in the statute for such appointments in the subordinate judiciary.

The promotion of ADR as a movement, particularly at the first level of courts where the majority of low-income litigants seek justice, is another manner of settlement that can help dispose of other cases which will lessen the burden of the judiciary and they can focus on excise and other important criminal cases.

The trust of the citizens it serves is the first and foremost thing for the Police force as they are the backbone of any civil society, As noted “disregard for the police is a perfect setting for a civil war”³⁴ Policing has to work with the support of community as Sir Robert Peel said: “the city police are not in a war zone and it needs reform, not power”.³⁵ The police department plays the most vital role in the administration of justice so reform in the department became quite essential and helpful for the judiciary. The investigating agency will be able to handle the crimes in a much more straightforward and uncomplicated manner with the aid of improved information technology infrastructure. The development of IT infrastructure will aid in tracking cases and addressing delays that cause backlogs. Investment in management strategies

³² INDIA CONST. art. 224A.

³³ *supra* note 12.

³⁴ DR. Kamal Kishore Singh, *Police Administration: Issues & Challenges*, <https://scrb.bihar.gov.in/assets/Police%20Admn%20Issues%20&%20Challenges.pdf>.

³⁵ *Id.*

and the creation of criminal databases would contribute to a rapid decline in crime. This will also make the judicial process easy and time efficient.

The administration must focus on big fish who made the supply and production of liquor in the state rather than poor consumers and distributors who merely get a small amount. Rather than arresting 10 suppliers and consumers and 10 separate trials action on 1 mafia and his trial will have a lot of impact on society. This will also save the time of the court. Action upon the masterminds will reduce the supply and bring the faith of people in the administration.

The drunker must be seen as a patient rather than an offender and they should be sent to a rehabilitation center rather than jail in the case of the former there is a high chance that he will lose addiction but later it will only increase the expenditure of the state. In other words, the aim must be reformation rather than punishment.

Amendments in a few provisions of the act can also be helpful to lessen the burden on the judiciary and curb the problem of the pendency of the suit. As section 30³⁶ clause B states the Penalty for unlawful manufacture, import, export, transport, possession, sale, purchase, distribution, etc. of any intoxicant or liquor.³⁷ provides the same punishment for the owner as well as the worker in any manufactory, distillery, brewery, or warehouse. Instead of punishing the worker, we can impose fines on them and the focus must be shifted to the people who are organizing the whole system this will help in effective prohibition and will reduce the number of cases. Section 37³⁸ provides a Penalty for the consumption of liquor which is imprisonment and a fine but instead sending the drinkers to a jail rehabilitation center will be effective and also reduce the burden on the judiciary. Section 84³⁹ states the provision for the establishment and designation of Special Courts in each district to exclusively try the cases related to prohibition. The establishment of special courts proportionate to a case registered in the district will help in the timely disposal of cases. Also instead of designating existing court establishment of special courts must be made compulsory as the lower judiciary is already overburdened and mere designation will only add to the burden.

Hence all the stakeholders of the legal system have to contribute to reducing the burden on the

³⁶ The Bihar Prohibition and Excise Act, 2016, § 30, No. 20, Acts of Bihar State Legislature, 2016 (India).

³⁷ The Bihar Prohibition and Excise Act, 2016, § 30(B), No. 20, Acts of Bihar State Legislature, 2016 (India).

³⁸ The Bihar Prohibition and Excise Act, 2016, § 37, No. 20, Acts of Bihar State Legislature, 2016 (India).

³⁹ The Bihar Prohibition and Excise Act, 2016, § 84, No. 20, Acts of Bihar State Legislature, 2016 (India).

judiciary and making justice easily accessible to all classes of people.

5. CONCLUSION

The liquor ban in Bihar was done to make a better society with a high level of human resource development and to prohibit the evil of liquor consumption. As the law criminalizes consumption, distribution, and production it has led to reporting of too many cases that have eventually affected the working of the lower judiciary which was suffering from the problem of a lack of resources. The rise in reporting of cases has resulted in huge pendency and low conviction rate.

The direct effect of pendency has boosted the morale of big mafias as they have no fear of laws people lose their trust in the police and administration, and failure of the objective of the statute. All these perceptions are not a positive sign of civilized society. Also, increased crimes are evident from the data, and pending cases are creating a huge burden for the poor and marginalized communities who have lost their livelihood as they were involved in selling other forms of liquor like *Tari*, etc. It has slowed the rate of disposal of cases and the pendency of cases related to other departments. The Patna High Court too is facing this challenge of overload due to the huge bulk of bail petitions related to the excise department. with Court. The involvement of people in a costly and lengthy judicial process is just worsening the economic condition of people and leading them into debt while big fishes roam around free and making huge money due. pendency of cases is causing an economic burden on the government together with serious concern about human rights violations as a large number of arrests is done regularly.

Some of the ways out can be increasing productivity through improved infrastructure, Amendments in a few provisions of the act, provision of legal aid to be made available for those accused of excise cases, focusing on big fishes and their trial, The development of IT infrastructure will aid in tracking cases and addressing delays that cause building backlogs Appointment based on the requirement the appointment of judges and staff should be made. Also, the District with the most number of cases should be highlighted and special attention must be given to them. The creation of a separate database for the excise-related offense would help in special attention and disposal of cases. Another option is the Appointment of ad-hoc judges in order of reducing the large number of vacant judicial positions can help reduce the burden on the judiciary.

A serious effort from all three organs together with the support of lawyers is the need of the hour to curb the problem of pending excise cases.

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