

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.6919 of 2009

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Amit Pharmaceutical, authorized stockiest of M/s Rajasthan Drugs and Pharmaceuticals Ltd., Jaipur (a Government of India Enterprises), having its office at Rastogi House, Gouriya Math, Gandhi Path, Patna-1 through its proprietor Naresh Kumar Rastogi son of late Purushottam Lal Rastogi resident of Rastogi House, Gouriya Math, Gandhi Path, P.S. Jakkanpur, Town and Dist. Patna.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Superintendent District Jail, Saharsa.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Laxmi Narayan Das, Adv.

For the Respondent/s : Mr. A.S. Jha, (SC9)

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CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA

ORAL JUDGMENT

Date: 27-01-2015

Heard learned counsel for the parties.

Having regard to the fact that this writ application was filed with a claim of payment of Rs. 1,15,532.99/- as against the medicine supplied to the respondent no.2 and the respondent no.2 in his counter affidavit in paragraph no.5, 6 & 7 having taken following stand:-

5. *That from the entry of Gate Warder dated 10/8/2003 there is mention of Medicine of Rs. 36,613/- likewise on 12/10/2004 there is entry of medicine coming from the petitioner's Company amounting to Rs. 48,403.92 Paisa and thus by adding Rs. 48,403 in Rs. 36,613/- total amounts comes to Rs. 85016.92 Paise, whereas the claim of the petitioner is 1,15,532.99 Paisa which is Rs. 30,516/- excess to the amount which has been entered into the register.*
6. *That the deponent humbly States and submits that the*



papers which have been annexed by the petitioner in the writ petition according to which the medicine which has been sent by the Company of the petitioners on 10/6/2003 was received in the District Jail Saharsa, Likewise the medicine sent by the petitioner on 29/9/2004 was received on 12/10/04 from which it appears that the coming of medicines is not only delayed but some time it does not come to the jail and thus from the records of the jail the medicine of Rs. 85016/- was supplied to the Jail.

7. *That the deponent humbly states and submits that he has all the registers of the Jail regarding the supply of medicine from which it appears that there is no entry of medicines of more than Rs. 85016 which the deponent admits to pay after the allotment comes from the State Govt."*

this Court would find it difficult to decide as to whether the petitioner had supplied medicines worth Rs. 30,516/-.

Nonetheless, as the stand of the respondents in respect of withholding amount of Rs. 30,516/- has become known to the petitioner, it will be open for him to approach the Superintendent, Jail, Saharsa with cogent evidence of supply and receipt of those medicines in the stores of the prison.

In view of the fact that the respondents themselves have in the counter affidavit have admitted payment of the petitioner to the tune of Rs. 85,016.92/-, that amount must be paid to the petitioner, if not already paid by now, within a period of three months from the date of receipt of this order.

With the aforementioned observations and direction, this applications is disposed of.

(Mihir Kumar Jha, J)

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