

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15164 of 2015

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Randhir Kumar Sah @ Manish Sah son of Sri Jawahar Sah resident of
Village - Desari, P.O. + P.S. - Desari, District – Vaishali Petitioner/s
Versus

1. The State of Bihar through the District Magistrate, Hajipur at Vaishali.
 2. Block Agriculture Officer, Deshri, District - Hajipur at Vaishali.
 3. The Superintendent of Police, District - Hajipur at Vaishali.
 4. Station House Officer, Deshri Police Station Mahnar, District - Hajipur at
Vaishali Respondent/s
- =====

Appearance :

For the Petitioner/s : Mr. Mrigank Mauli, Advocate,
Mr. Sanket, Advocate and
Mr. P.K.Mishra, Advocate

For the Respondent/s : Mr. Brajesh Kumar, AC to AAG 11.

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**CORAM: HONOURABLE MR. JUSTICE SAMARENDRA PRATAP
SINGH**
ORAL ORDER

8 08-10-2015 The petitioner prays for released of 288 bags of rice weighing 160 quintals, seized from Truck bearing No. WB 15A 2463 on 23.12.2014, pursuant to which FIR being Desri Police station Case No. 306 of 2014 was instituted under section 7 of the EC Act. He further prays for release of 158 bags of rice weighing 98 quintals 1 kilogram of rice, seized pursuant to unsealing of godown on 2.1.2015.

The petitioner submits that he is an authorized wholesale and retail dealer of food grains and is registered as such with the Sales Tax Authorities. He submits that the rice in question was not one of theft, rather the same had been purchased by him from different traders and was being

transported to P.Roy Company of Siliguri. He further submits that the rice is a decontrolled commodity and even the same had not been packed in FCI marked bags. He further submits that pursuant to order dated 19.1.2015, passed in C.W.J.C.No. 2029/2015, he filed Criminal case no. 7/14-15 which was rejected by the District Magistrate, Vaishali directing to sell the seized items and deposit the sale proceeds in the treasury. He also filed Cr. Appeal no. 15/15 wherein the learned Addl. District judge, Vaishali affirmed the order of the District Magistrate. Learned counsel for the petitioner submits that the police, in course of investigation, has not established that from where the rice had been stolen. He submits that the learned Addl. District Judge has not taken note of these facts while affirming order of the District Magistrate.

In the facts and circumstances of the case, the impugned orders are set aside. The petitioner would be at liberty to file a petition for release of the seized grains before the respondents/competent authority, who would release the same on furnishing adequate surety, within four weeks, subject to the result of the criminal case.

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(Samarendra Pratap Singh, J)