

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14908 of 2013

Prabhu Narayan, S/O Ram Prasad Rai, resident of Baraitha, P.S. Chiraiya,
Distt. - East Champaran

.... Petitioner

Versus

1. The State of Bihar
2. The Collector, East Champaran, Motihari, East Champaran
3. The Sub-Divisional Officer Sikrahana at Dhaka, Distt. East Champaran
4. The A.D.S.O., Sikrahana at Dhaka, Distt. East Champaran
5. Marketing Officer, Chiraiya, Distt. East Champaran
6. Station House Officer, Chiraiya

.... Respondents

Appearance :

For the Petitioner/s : Mr. Sangeet Deokuliar

For the Respondent/s : Mr. M. D. Dwivedi

CORAM: HONOURABLE MR. JUSTICE SAMARENDRA PRATAP SINGH
ORAL ORDER

4 06-10-2015

Heard learned counsel for the petitioner and the State.

The petitioner was a holder of license for Public Distribution System under Chiraiya Block of East Champaran District.

On receipt of some complaints, the Block Supply Officer raided the shop of the petitioner. He seized 31 quintals of rice and 4.5 quintals of wheat from the shop.

It is the case of the petitioner that 8.5 quintals of rice was seized from his house. The seizure led to institution of a criminal case being Chiraiya P.S. case no. 195 of 2013 under Section 7 of the Essential Commodities Act as well as Confiscation proceeding.

The license of the petitioner was subsequently

cancelled.

The petitioner submits that he has already filed an appeal against the order by which his license has been cancelled before the Collector, East Champaran in the year 2013.

It goes without saying that the Collector, East Champaran would dispose of the appeal within a period of three months from the date of receipt of a copy of this order.

So far as confiscation case is concerned, counsel for the State submits that final order has been passed and the seized items were auctioned and the sale proceeds have been deposited in the District Treasury, East Champaran.

Again liberty is granted to the petitioner to challenge the Confiscation order and to make a prayer for release of sale proceeds in his favour in appeal before the learned District Judge, East Champaran, who will dispose of the appeal expeditiously. In case, the appellate court finds that the seizure was illegal, he would issue necessary direction for release of the sale proceed in favour of the petitioner.

With the aforesaid observation and liberty, this application stands disposed of.

(Samarendra Pratap Singh, J.)

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