

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4645 of 2014

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1. Dilip Kumar Singh, Proprietor Of M/S Ragani Rice Mill S/O Late Raghupati Singh Resident Of Village Bara, P.S. Khokshi Saranpur, District Madhepura.

.... Petitioner/s

Versus

1. The General Manager Food Corporation Of India, Patna.
2. The Assistant General Manager, Food Corporation Of India, Patna.
3. The Godown In-Charge F.C.I. Madhepura.
4. The Bihar State Food And Civil Supplies Corporation Through Managing Director, B.S.F.C., Patna.
5. The District Manager, State Food And Civil Supplies Corporation, Madhepura.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar Singh
For the FCI : Mr. Prabhakar Tekriwal
Mr. Arun Kumar
For the State : Mr. Yogendra Kumar Singh
AC to SC 15

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CORAM: HONOURABLE MR. JUSTICE SAMARENDRA PRATAP SINGH
ORAL ORDER

2 02-06-2015

Reg: I.A.No.4315 of 2015.

Heard learned counsel for the parties.

This interlocutory application has been filed for adding the State of Bihar as party respondent in the main writ application including the prayer for quashing the warrant of arrest and attachment order issued by the District Certificate Officer, Madhepura in Certificate Case No.05/2014-15.

Prayer is allowed. Let the State of Bihar be added as party respondent. The petitioner has already served the copy of the Interlocutory Application on the learned counsel for the State.

The petitioner has challenged both issuance of non-bailable warrant of arrest and order of attachment dated

09.05.2015.

In my view, The District Certificate officer ought to have first decided the objection of the petitioner before issuing the non-bailable warrant of arrest and attachment order.

As such, the order dated 09.05.2015 passed by the District Certificate Officer. Madhepura in Certificate Case No.05 of 2014-15 issuing non-bailable warrant of arrest and attachment order against the petitioner is set aside. The petitioner is directed to appear before the District Certificate Officer, Madhepura positively within two weeks from today and cooperate in the certificate proceeding. The District Certificate Officer would proceed in the matter in accordance with law.

This interlocutory application and writ application stand allowed to the extent indicated above.

(Samarendra Pratap Singh, J)

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