

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2029 of 2015

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1. Randhir Kumar Sah @ Manish Sah S/o 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

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Appearance :

For the Petitioner/s : Mr. Mrigank Mauli, Adv.

For the Respondent/s : Mr. Ashok Kumar Keshri, Adv.

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN
ORAL ORDER

4 01-05-2015 The petitioner has prayed for interim release of 288 bags of rice weighing 168 quintals of the petitioner which was seized from his truck bearing No. WB-15A-2463 on 23.12.2014 charging him with transportation thereof without valid papers and giving rise to Desri P.S. Case no. 306 of 2014 registered under Section 7 of the Essential Commodities Act (hereinafter referred to as 'the Act') .

The allegation of the petitioner is that another 150 bags of rice weighing 98 quintals and one kilogram was also seized from his godown. The petitioner prays interim release of the rice which according to him is perishable commodity and is lying unattended.

The matter was considered on 15.4.2015 when the State counsel was required to ascertain as to whether the alleged seizure made under Section 7A of 'the Act' has led to institution of any

confiscation proceeding.

A supplementary affidavit has been filed by the petitioner bringing on record the initiation of a confiscation proceeding under Section 6A of 'the Act' by the Collector-cum-District Magistrate, Vaishali at Hajipur giving rise to Cr. Misc. No. 7 of 2014-15.

In the circumstances that the institution of the police case has resulted in registration of a confiscation proceeding by the Collector-cum-District Magistrate, Vaishali at Hajipur and keeping in mind that rice is a perishable commodity while keeping in view the statutory provisions underlying Section 6E of 'the Act', this Court would afford liberty to the petitioner to exhaust the remedy so available to him under Section 6E of 'the Act' by preferring such application before the Collector and since the seized rice is perishable in nature hence the District Magistrate would consider and dispose of the same with a sense of urgency within four weeks of its filing, bearing in mind the law laid down by the Supreme Court in the case of **Sunderbhai Ambalal Desai Vs. State of Gujarat reported in (2002) 10 SCC 283.**

The writ petition is disposed of.

Bibhash/-

(Jyoti Saran, J)

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