

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16238 of 2016

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Kamal Kishor Gupta, Son of Punna lal Gupta Residence of Village- Baroon,
P.S.- Baroon, District- Aurangabad.

.... Petitioner/s

Versus

1. The State of Bihar through District Magistrate, District- Aurangabad.
2. That District Magistrate District, Aurangabad.
3. The Bihar State Food & Civil Supplies Corporation Limited through its M.D, Bihar at Patna.
4. The District Manager, Bihar State Food & Civil Supplies Corporation Limited Aurangabad, District- Aurangabad.
5. The Officer in Charge of Police Station Baroon, District- Aurangabad.
6. The Certificate Officer, District- Aurangabad.

.... Respondent/s

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Appearance :

For the Petitioner	:	Mr. Brij Bihari Tiwary, Advocate
For the State	:	Mr. Smt.Namrata Mishra-GA-6
For BSFC	:	Mr. Aditya Prakash Sahay, Advocate
		Mr. Shailendra Kumar Singh, Advocate

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CORAM: HONOURABLE MR. JUSTICE RAMESH KUMAR DATTA
ORAL ORDER

2 04-10-2016 Heard learned counsel for the petitioner and

learned counsels for the State and for the Bihar State Food and

Civil Supplies Corporation.

It is submitted by learned counsel for the
petitioner that the amount due against the petitioner is
approximately Rs. 72,00,000/- whereas the petitioner is also to
receive milling and transportation charge from the respondent-
Corporation of approximately Rs. 10,00,000/-.

It is further stated that the petitioner is in civil
prison from 24.7.2016 and the petitioner is willing to pay an

upfront amount of Rs. 20,00,000/- by 31st October, 2016 and the balance amount in instalments of Rs. 8,00,000/- every month until the entire dues along with interest, as may be directed, are paid after adjusting the milling and transportation charges, etc. from the amount due with the Corporation.

On a consideration of the aforesaid facts and circumstances, the writ application is disposed of with the direction that the petitioner shall be released forthwith from civil prison but subject to condition that he shall pay an amount of Rs. 20/- lacs on or before 31st October, 2016 and shall thereafter continue to pay further amount of Rs. 8/- lacs on or before the last date of each succeeding month until the entire amount along with interest at the rate of 10% per annum on the reducing balance is cleared by the petitioner.

The respondents shall intimate to the petitioner the exact amount as of today which the petitioner has to pay.

The petitioner shall file his claim before the respondents with regard to the milling and transporting charges within a period of one week from today which shall be considered and whatever amount is found admissible by the Corporation shall be immediately adjusted against the dues of the Corporation and it is upon the balance remaining that the

interest shall be payable to the Corporation on a further reducing balance from month to month.

On failure of the petitioner to pay any of the amounts as directed above, he shall be taken into civil prison forthwith.

(Ramesh Kumar Datta, J)

S.Pandey/-

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