

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.7189 of 2016

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Anil Kumar, son of Late Krishna Singh, resident of village- Bishunpura, p.S. Bihta,
Distt.- Patna, Proprietor of M/s. Sai Rice Mill, Bihta, Patna

.... Petitioner/s

Versus

1. The State of Bihar, through the Collector, Madhubani
2. The District Certificate Officer, Madhubani
3. The District Manager, Bihar Stood Food and Civil Supply Corporation Ltd.,
Madhubani

.... Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. N.K. Agrawal, Sr. Advocate Mr. Dhananjaya Nath Tiwari, Advocate
For the State	:	Mr. Sunil Kumar Pandey, AC to SC-14
For BSFC	:	Mr. Brajesh Kumar, Advocate

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CORAM: HONOURABLE MR. JUSTICE RAMESH KUMAR DATTA
ORAL JUDGMENT

Date: 08-08-2016

Heard learned senior counsel for the petitioner and
learned counsel for the State.

The petitioner although filed the writ petition with the
prayer for quashing the entire certificate proceedings including the
order dated 22.9.2015 of the District Certificate Officer in Certificate
Case No. 07/2014-15 by which the bailable warrant of arrest has
been issued against the petitioner for recovery of Rs. 3,07,49,253.29
by the District Certificate Officer, but during the course of
submission learned senior counsel for the petitioner has confined the
relief sought to being given a liberty to file his objection to the
requisition for certificate that has been filed and thereafter the same
may be disposed of in accordance with law by a speaking order.

It is asserted by learned counsel for the petitioner that the notice was never served upon the petitioner even though it is so recorded in the order but had it been so the registered cover notice would not have been sent which has also not been received by the petitioner.

Learned counsel for the State relying upon the order sheet which is on the record, submits that the petitioner is simply evading the proceedings and that has necessitated the issuance of the bailable warrant of arrest against him.

On a consideration of the facts and circumstances of the case, the writ petition is partly allowed. The impugned order dated 22.9.2015 issuing bailable warrant of arrest against the petitioner is set aside and it is directed that the petitioner shall appear before the Certificate Officer on 30th August, 2016 at 11.00 A.M. along with his objection petition who shall thereafter consider and dispose of the same in accordance with law by a speaking order.

(Ramesh Kumar Datta, J)

S.Pandey/-

AFR/NAFR	
CAV DATE	
Uploading Date	27.08.2016
Transmission Date	