

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.17134 of 2016

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Shravan Kumar @ Sharvan Kumar Mandal, S/o- Sri Gopal Mandal, Resident of
Village- Durgapur, P.S.- Basnahi, District- Saharsa.

.... Petitioner

Versus

1. The State of Bihar through the Collector, Saharsa.
2. The Collector, Saharsa.
3. The Block Supply Officer, Sonbarsa, Saharsa.

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Dhananjaya Nath Tiwari, Advocate

For the Respondent/s : Mr. Shashi Shekhar Pd. Singh, AC to GA-6

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CORAM: HONOURABLE DR. JUSTICE RAVI RANJAN

ORAL JUDGMENT

Date: 06-12-2016

Heard learned counsel for the petitioner and the State.

Petitioner seeks release of 1314 bags of rice each of 50
K.G. (657 quintals), which were seized by the Block Supply Officer,
Sonbarsa giving rise to confiscation case no.53/2016 and Basnahi P.S.
Case No. 53/2016 registered under section 34 of the Indian Penal
Code and Section 7 of the Essential Commodities Act.

It is contended on behalf of the petitioner that the seized
food-grains are perishable articles for which confiscation proceeding
has already been initiated and there is no occasion for keeping the
same in godown for being perished.

Learned counsel for the State submits that seizure has
been made on serious allegation and confiscation case is going on.
Thus, the petitioner should be relegated to the competent authority.

In my view, if the food-grains, being perishable articles,



are released after keeping necessary sample and after obtaining necessary surety, it will prejudice none.

Having regard to the facts and circumstances of the case, let the aforesaid quantity of the seized articles be released in favour of the petitioner by the District Magistrate, Saharsa, who happens to be the confiscating authority on furnishing sufficient guarantee/security, 10 % of which should be in the form of cash/bank guarantee, to the satisfaction of the confiscation authority and on proper verification of the ownership after keeping sufficient quantity as sample to be exhibited in the case concerned.

The release would be subject to the result of the confiscation case as well as the final result of the criminal case concerned.

It is expected that the whole exercise would be completed within a period of 08 weeks from the date of receipt/production of a copy of this order.

This disposes of the writ petition.

(Dr. Ravi Ranjan, J)

V.K. Pandey/-

AFR/NAFR	N.A.F.R.
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