

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.17862 of 2016

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Om Prakash Kedia, S/o Late Parmeshwar Prasad Kedia, resident of Mohalla-Panchwati, Banglagarh, P.S.- Town, District- Darbhanga, Proprietor of Mithila Traders Darbhanga.

.... Petitioner

Versus

1. The State of Bihar through the Secretary, Agricultural Department, Government of Bihar, Patna.
2. The Collector, Purnea.
3. The Block Agricultural Officer, Purnea East, Purnea.

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Vijay Anand, Advocate

For the Respondent/s : Mr. Raghwanand-GA11

Mr. Sanjay Kr. Tiwari, AC to GA-11

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CORAM: HONOURABLE DR. JUSTICE RAVI RANJAN

ORAL JUDGMENT

Date: 23-12-2016

Heard learned counsel for the petitioner and the State.

Petitioner seeks release of 250 bags of Borown (TCL Co.) each containing 20 KG. and 200 bags of Calcium Nitrate (CFCL Co.) each containing 25 KG, which were seized by the Block Agricultural Officer, Purnea East, Purnea giving rise to Sadar P.S. Case No.366 of 2016 registered under Section 7 of the Essential Commodities Act.

It is contended that a confiscation proceeding has also been initiated as Confiscation Case no. 261 of 2016 but not concluded.

It is contended on behalf of the petitioner that the seized



fertilizers 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 fertilizers, 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, Purnea, 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.
CAV DATE	N.A.
Uploading Date	30.12.2016
Transmission Date	N.A.

