

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No. 18162 of 2015

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Tarun Kumar @ Tarun Yadav Son of Chandeshwari Yadav, Resident of Village-
Radhanagar, Ward No. 13, P.S. Saharsa, District- Saharsa.

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary cum Commissioner,
Department Food and Consumer Protection, Government of Bihar, Patna.
2. The District Magistrate, Saharsa, District Saharsa.
3. The Sub Divisional Officer, Sadar, Saharsa.
4. The Additional District Supply Officer, Sadar, Saharsa.
5. The Superintendent of Police, Saharsa.
6. The Deputy Superintendent of Police Saharsa.
7. The Officer-in-Charge, Sadar Police Station, Saharsa.

.... Respondent/s

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Appearance :

For the Petitioner/s	:	Ms. Sudha Chandra & Ms. Tulika Singh, Advocates. Mr. Surendra Kumar Singh & Mr. Avinash Shekhar, Advocates.
For the Respondent/s	:	Mr. Raju Giri, G.P.30. Mr. N. K. Agrawal, A.C. to G.P. 30.

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date: 29-02-2016

Heard learned counsel for the parties.

The petitioner, who is the proprietor of M/s Baba
Vishwakarma Service Station situated at Patuaha, Saharsa, has
moved the Court for a direction to the respondent-authorities to
unseal his retail outlet of Petrol and Diesel.

Learned counsel for the petitioner submits that the



retail outlet was sealed by respondents no. 3 and 4 on 26.08.2015 on the suspicion that the product being sold by him was adulterated. Learned counsel submits that the same resulted in a criminal proceeding and before the Court below a sample which was seized was sent for testing to the Indian Oil Corporation Limited laboratory and the result has come showing that the product 'Meets Specification'. Learned counsel submits that in view of the aforesaid, there cannot be any justification of the respondents not to unseal his retail outlet as it is affecting his livelihood and also infringing his constitutional rights.

Learned counsel for the State has filed counter affidavit and submits that the law will take its course before the Court where the matter is pending. However, learned counsel for the State is unable to contest the prayer of the petitioner for unsealing in the background of the fact that pursuant to a sample being sent by the Court to a reputed laboratory, the result has been in his favour.

Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, the writ petition stands disposed off with a direction to the respondents no. 3 and 4 to unseal the retail outlet of the petitioner, namely M/s Baba Vishwakarma Service Station situated at Patuaha, Saharsa within one week from the production of a copy of this order before them.

The present order, however, shall be without

prejudice to the rights and contentions of the parties in any proceeding pending before the concerned Court/authority.

(Ahsanuddin Amanullah, J.)

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