

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.2454 of 2016

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Mahendra Prasad Jaiswal, son of Baleshwar Sah, resident of Chandan nagar, Gulabbag, P.S. Sadar, District Purnea Proprietor of M/s Mahendra Mini Rice Mill, Chandannagar, Gulabbagh, Purnea.

.... Petitioner

Versus

1. The State of Bihar through the Collector, Purnea
2. The Collector, Purnea
3. The Block Supply Officer, Purnea (East), District Purnea

.... Respondents

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Appearance :

For the Petitioner : Mr. Shashi Bhushan Kumar
For the State : Mr. Nasim Yahya, GP 13

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CORAM: HONOURABLE DR. JUSTICE RAVI RANJAN
ORAL ORDER

2 15-07-2016

Heard learned counsel for the petitioner and the State.

This application has been filed for modification of the oral judgment dated 26.4.2016 passed in C.W.J.C. No. 6413/2016 by which the Honda motorcycle seized in the proceeding was directed to be released after fulfillment of certain terms and conditions.

It is contended on behalf of the petitioner that the writ application was for release of motorcycle as well as food grains and so it was ordered but the order regarding 947 bags of rice and 350 bags of wheat which were seized along with Honda motorcycle, could not be incorporated in the oral judgment dated 26.4.2016 passed in C.W.J.C. No 6413 of 2016.

Learned counsel for the State also submits that such

prayer is there in the writ application and it appears that the order for release was also passed after hearing the parties.

Having regards to aforesaid facts and circumstances, let the 947 bags of rice weighing 510.47 quintals and 350 bags of wheat weighing 186.60 quintals be also released in favour of the petitioner by the Collector, Purnea, who happens to be the confiscating authority, within a period of four weeks from the date of receipt/production of a copy of this order on furnishing sufficient security, 5% 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 criminal case concerned.

The oral judgment dated 26.4.2016 passed in C.W.J.C. No. 6413/2016 stands modified to the aforesaid extent only with the consent of the parties.

(Dr. Ravi Ranjan, J)

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