

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.16754 of 2016

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Sharmila Singh, W/o Kumod Singh, Resident of Village- Dhanushi, P.S.- Kartaha,
District- Vaishali, Proprietor of M/s Sanjana Rice Mill, Kartaha, Vaishali.

.... Petitioner

Versus

1. The State of Bihar through the Collector, Vaishali.
2. The District Magistrate-cum-Collector, Vaishali.
3. The Block Supply Officer, Lalganj, Vaishali.

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Dhananjaya Nath Tiwari, Advocate
For the Respondent/s : Mr. S.RAZA AHMAD-AAG5
Mr. Anisul Haque, AC to AAG-5

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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 165 bags of rice each of 50
K.G. (82.5 quintals), which were seized by the Block Supply Officer,
Lalganj, Vaishali giving rise to confiscation case no.11/2016-17 and
Kartaha P.S. Case No. 48/2016 registered under sections 419, 420,
120 (B)/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, Vaishali at Hajipur, 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.
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