

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No. 622 of 2017

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Santosh Kumar Mandal, Son of Satya Narayan Mandal, Resident of
village - Madhepura, P.S. Madhepura, District – Madhepura..Petitioner.

Versus

1. The State of Bihar through Secretary Food and Civil Supply
Department, Old Secretariate, Patna, Bihar
 2. The Collector, Madhubani
 3. The Block Development officer Cum Block Supply officer,
Madhepur, Madhubani. Respondents.
- =====

Appearance :

For the Petitioners : Mr. Vijay Anand, Adv.

For the Respondents: Mr. Sanjay Kumar Giri, AC to GP9

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CORAM: HONOURABLE DR. JUSTICE RAVI RANJAN

ORAL JUDGMENT

Date: 14-02-2017

Heard learned counsel for the petitioner and the State.

Petitioner seeks release of 472 bags of rice each of 55
K.G. total 259 Quintal, which were seized by the Block Supply
Officer, Madhepur, District-Madhubani giving rise to confiscation
case no. 23/16-17 and Madhepur P.S. Case No. 58/2016 registered
under 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, Madhubani, 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.)

Vikash/-

AFR/NAFR	NAFR
CAV DATE	NA
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