

**IN THE HIGH COURT OF JUDICATURE AT PATNA**

**Civil Writ Jurisdiction Case No.5510 of 2017**

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Moti Das, S/o Bachoo Das, Resident of Village - Kotaili, P.S. - Banka, District Banka.

.... .... Petitioner

Versus

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

.... .... Respondents

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**Appearance :**

For the Petitioner : Mr. Dhananjaya Nath Tiwari, Advocate

For the Respondents : Mr. Arvind Ujjwal, SC4

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**CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN**

**ORAL JUDGMENT**

**Date: 24-11-2017**

The petitioner seeks a direction to the respondents to release 140 bags (56 quintals) of wheat and 20 bags (8 quintals) of arba rice seized by Block Supply Officer, Banka (respondent no. 3) in Banka P.S. Case No. 750 of 2016 under Section 7 of the Essential Commodities Act.

2. Learned counsel for the petitioner submits that the goods seized, however, are perishable in nature and are likely to deteriorate by the time the confiscation proceeding being Confiscation Case No. 21 of 2017-18 pending before the Collector, Banka is concluded.

3. Learned counsel for the respondents appears and has been heard.

4. Having regard to the nature of prayer of the petitioner,



this Court directs that the articles seized in connection with Banka P.S. Case No. 750/2016 be released in favour of the petitioner within a period of four weeks from the date of receipt/production of a copy of this judgment upon furnishing sufficient security, 5% of which should be in the form of cash/bank guarantee to the satisfaction of learned Chief Judicial Magistrate, Banka on proper verification of the ownership of the goods. Such release shall be subject to the final result of Banka P.S. Case No. 750/2016 as well as Confiscation Case No. 21 of 2017-18. It will be open to the Chief Judicial Magistrate, Banka to keep proper quantity of seized goods as sample for the purpose of exhibits in the case.

5. The writ petition stands disposed of.

**(Vikash Jain, J)**

B.T/Chandran

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