

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No. 1297 of 2017

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M/s Gupta Trading Bhandar through it's Proprietor Vivek Kumar Gupta@ Guddu Son of Sri Naresh Sao @ Naresh Chandra Prasad Resident of Village- Shekha Bigha, Police Station- Belaganj, District-Gaya.

.... Petitioner.

Versus

1. The State of Bihar, through the Principal Secretary Food & Consumer Protection Department, Govt. of Biha, Patna.
2. The District Magistrate, Gaya.
3. The Sub Divisional Officer, Sadar Gaya.
4. The Block Supply Officer, Belaganj, Distt- Gaya.
5. The Officer In Charge, Belaganj Police Station, Distt- Gaya.

.... Respondents.

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Appearance :

For the Petitioner : Mr. Binay Kumar, Adv.

For the Respondents: Mr. Sanjay Kumar Giri- GP9

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CORAM: HONOURABLE DR. JUSTICE RAVI RANJAN

ORAL JUDGMENT

Date: 04-02-2017

Heard learned counsel for the petitioner and the State.

Petitioner seeks release of 50.50 quintals of rice, which were seized by the Block Supply Officer, Belaganj, District-Gaya giving rise to confiscation case no. 25/2016 and Belaganj P.S. Case No. 242/2016 registered under sections 406 and 420 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, Gaya, 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 eight 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
Uploading Date	04.02.2017
Transmission Date	NA

