

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1894 of 2017

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Jai Kishore Prasad S/o Prabhunath Bhagat R/o Village- Kothua Sarangpur,
P.S.- Daraundha, District-Siwan.

.... Petitioner/s

Versus

1. The State of Bihar.
2. The Collector-cum- District Magistrate, Siwan.
3. The Superintendent of Police, Siwan.
4. The Sub- Divisional Officer, Siwan Sadar, Siwan.
5. The Block Supply Officer, Siwan Sadar, Siwan.
6. The Officer In-charge Siwan Town (Sarai) Police Station- Siwan.

.... Respondent/s

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Appearance :

For the Petitioner : Mr. Satyendra Rai, Advocate
For the Respondent s : Mr. Shashi Shekhar Pd. Sinha, A.C.- Ga6

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
ORAL ORDER

2 09-03-2017 Heard learned counsel for the petitioner and learned
counsel for the State.

In this case petitioner has raised his limited grievance
that the confiscation proceeding is pending before the Collector,
Siwan, arising out of Siwan Town (Sarai O.P.) P.S. Case No. 113
of 2013 under the Essential Commodities Act and has been
numbered as E.C. Act Case no. 95 of 2013-14 for a long period
without any final decision.

A criminal case was lodged against the petitioner for
contravention of the Essential Commodities Act which was
registered as Siwan Town (Sarai O.P.) P. S. Case no. 113 of 2013
for offence under Sections 420 and 120B of the Indian Penal Code



and Section 7 of the Essential Commodities Act. There is no need to give narration of the whole story of the case but the institution of the criminal case led to initiation of confiscation case no. 95 of 2013-14 of the vehicle. Allegation has been made regarding movement of vehicle with unauthorized grains, e.g., wheat and rice, which were meant for Public Distribution System. After institution of criminal case the goods remain seized, the Collector, directed the S.D.O. to auction sale. The petitioner filed an application in Confiscation Case no. 95 of 2013-14 in which the Collector vide order dated 10.04.2015 directed to release of truck subject to deposit an amount of Rs. 7,75,000/-. However, the petitioner also approached this Court in C.W.J.C. no. 2631 of 2015 and this Court directed the Collector for early disposal. The order of the Collector was put to challenge in the criminal appeal before the learned Sessions Judge, Siwan, as Criminal Appeal no. 21 of 2015. The learned 5th Addl. Sessions Judge, Siwan, after considering the facts and circumstances of the case set aside the order of the Collector and remitted back the same for fresh hearing. Since then the matter is lying with the Collector for a long period.

In the facts and circumstances of the case, this Court gives direction to the Collector, Siwan, to decide the matter within



a period of four weeks from the date of receipt/production of a copy of this order.

With the aforesaid observation/direction this application stands disposed of.

(Shivaji Pandey, J)

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