

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.2321 of 2017

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Dilip Kumar Sah, S/o Muni Lal Sah, Resident of village - Motipur, P.S. Tajpur,
District - Samastipur

.... Petitioner/s

Versus

1. The State of Bihar through the Collector, Samastipur
2. The Collector, Samastipur
3. The Block Supply Officer, Pusa, Samastipur

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. N.K. Agrawal, Sr. Adv.
Mr. D.N. Tiwari, Adv.

For the Respondent/s : Mr. Nikhil Kumar Aggarwal, Adv.
Mr. Sanjay Kr. Giri, Adv.

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY

ORAL JUDGMENT

Date: 17-04-2017

Heard learned counsel for the petitioner and counsel
for the State.

In this case, the petitioner is challenging the seizure of
620 bags of rice each of 50 Kg. seized by the Block Supply Officer,
Pusa, Samastipur on 7.10.2016 and, on that account, Confiscation
Case No. 83 of 2016 arising out of Tajpur P.S. Case No. 308 of 2016
for offence under Section 7 of the E.C. Act has been initiated.

A truck bearing no. PB-06G-3058 was intercepted, an
suspicion was raised that the aforesaid 620 bags of rice loaded over it
were meant for the public distribution, the same were seized which
led to confiscation proceeding and the criminal case.



Learned counsel for the petitioner submits that the rice itself is perishable goods as well as does not fall under the Control Order, under the wrong impression and suspicion, the entire bags of rice have been seized and put to confiscation.

The confiscation proceeding will be dealt with in accordance with the facts and circumstances of the case but, as the rice is a perishable goods, let the rice be released within a period of two weeks from the date of receipt/production of a copy of this order in favour of the petitioner but, subject to the condition that he must furnish security to the satisfaction of the Collector, Samastipur and must also furnish his personal guarantee.

It is made clear that if the petitioner fails to succeed in the confiscation case, which is subject to the result of the criminal case, the petitioner will have to reimburse the amount which would be assessed by the Collector, Samastipur, while releasing the rice under seizure.

With the aforementioned observation and direction, this application is disposed of.

(Shivaji Pandey, J)

Rishi/-

AFR/NAFR	NAFR
CAV DATE	NA
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