

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.10709 of 2017

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Krishna Chandra Sah @ Tuntun Sah S/o Late Chedi Sah Resident of Rajapakar,
P.S. - Rajapakar, District - Vaishali.

.... Petitioner

Versus

1. The State of Bihar through the Collector, Vaishali.
2. The Collector, Vaishali.
3. The Block Supply Officer, Rajapakar, District - Vaishali.

.... Respondent

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Appearance :

For the Petitioner : Mr. Dhananjaya Nath Tiwari, Advocate.

For the Respondent : Mr. Arvind Ujjwal, SC-4

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 14-12-2017

The petitioner seeks a direction to the respondents to release 813 bags (406.5 quintals) of rice seized by the Block Supply Officer, Rajapakar, District- Vaishali (respondent no. 3) in Rajapakar P.S. Case No. 64 of 2017 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. 04 of 2017-18 pending before the Collector, Vaishali 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 Rajapakar P.S. Case No. 64 of 2017 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 Additional Chief Judicial Magistrate XIVth, Vaishali at Hajipur, on proper verification of the ownership of the goods. Such release shall be subject to the final result of Rajapakar P.S. No. 64 of 2017 as well as Confiscation Case No. 04 of 2017-18. It will be open to the Additional Chief Judicial Magistrate-XIVth, Vaishali at Hajipur 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)

Md. Ibrarul/BT

AFR/NAFR	NAFR
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