

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.13354 of 2017

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Krishna Kant, Son of Late Awadhesh Singh, Proprietor M/s Konch PACS Rice Mill, Resident of Village- Konch, P.S.- Konch, District- Gaya.

.... Petitioner

Versus

1. The State of Bihar through Principal Secretary, Food and Consumer Protection Department, Government of Bihar, Patna.
2. The Bihar State Food and Civil Supplied Corporation through its Managing Director, Sone Bhawan, Near R Block, Patna.
3. The District Collector, Gaya.
4. The Certificate Officer-cum-Additional Collector, Gaya.
5. The District Manager, Bihar State Food and Civil Supplied Corporation, District- Gaya.

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Yogesh Chandra Verma, Sr. Adv.
Mr. Manish Kumar No 13, Adv.
Mr. Rohit Kumar, Adv.
For the B.S.F.C. : Mr. Harish Kumar, Adv.
For the State of Bihar : Mr. Sanjay kr. Giri-GP-9

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
ORAL JUDGMENT
Date: 22-09-2017

Heard learned counsel appearing for the respective parties.

In this case, the petitioner has made a prayer for release from the civil prison as he has not complied the order dated 20.01.2016 passed in Certificate Case No.04 of 2014-15.

A proceeding under the P.D.R. Act has been initiated



by the Certificate Officer, Gaya, for recovery of Rs.97,49,351.15/- for the value of 2000 quintal of paddy, which was given for milling and the petitioner has to deliver the C.M.R. under the terms of agreement. As the petitioner has failed to carry out the work in terms of the agreement a proceeding under the P.D.R. Act vide Certificate Case No.04 of 2014-15 has been initiated and ultimately, final order has been passed, thereby held that the petitioner is liable to pay the aforesaid amount.

Mr. Yogesh Chandra Verma, learned Senior Advocate appearing for the petitioner submits that altogether Rs.14 lakhs have been deposited by the petitioner and the petitioner undertakes to deposit Rs.10 lakhs further within two months.

In such view of the matter, let the petitioner be released on bail in connection with Certificate Case No.04 of 2014-15 to the satisfaction of the Certificate Officer, Gaya with the condition that the petitioner would deposit Rs.5 lakhs within 30 days from the date of his actual release and rest Rs.5 lakhs within one month thereafter.

If the petitioner would fail to deposit any of the installments, in such circumstance, the grant of bail will be treated to have been withdrawn and the authority will be at liberty to take the petitioner in judicial custody. The petitioner is at liberty to file an appeal under Section 60 of the P.D.R. Act.



With the aforesaid observations and directions, this writ application is disposed of.

Let this order be communicated through FAX at the cost of the petitioner.

(Shivaji Pandey, J)

pawan/-

AFR/NAFR	N.A.F.R.
CAV DATE	N/A.
Uploading Date	23.09.2017
Transmission Date	N/A.

