

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.8156 of 2017

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Sonu Kumar Singh, S/o Shri Mahanth Singh, R/o Village- Sohagra, P.O.- Sohagra,
P.S.- Guthani, District- Siwan.

.... Petitioner

Versus

1. The State of Bihar through the Collector, Siwan.
2. The District Magistrate-cum-Collector, Siwan.
3. The Supply Inspector Cum-Block Supply Officer, Guthani, Siwan.

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Arun Kumar Tiwari, Adv.
Mr. Dhananjay Kumar Shahi

For the Respondent/s : Mr. S.Raza Ahmad, A.A.G.-5
Mr. Alok Ranjan, A.C. to A.A.G.-5

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY

ORAL JUDGMENT

Date: 21-07-2017

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

2. In this case, the petitioner is challenging the order dated
11.04.2017 passed by the Collector, Siwan in E.C. Act Case No.119
of 2016-17, whereby and where-under he has directed to release the
wheat subject to deposit the equivalent price of the wheat, which is
prevalent in the market.

3. The petitioner is running the business of food-grains,
got registered under Section 9 of the Value Added Tax, 2005. As per
the claim of the petitioner, he used to purchase the wheat from the
small farmers on payment of the price and sent the collected wheat
in the flour mill, situated at Hajipur, but in transit the truck was



intercepted by the Police and they lodged criminal case vide Guthani P.S. Case No.127 of 2016 for the offence under Section 7 of the Essential Commodities Act, wherein the Police has recorded, it appears that the wheat of the Food Corporation of India for the purposes of black-marketing removed the stitch made by F.C.I., changed the bag, was carrying the wheat to the mill.

4. A Confiscation proceeding was initiated with respect to the truck, wherein order was passed for the release of the truck. For present, this Court is not concerned with the release of the truck, but the Collector has directed to keep certain amount of wheat as sample and if the petitioner is ready to deposit the equivalent price, prevalent in the market, the wheat should be released in his favour.

5. Learned counsel for the petitioner submits that the petitioner is a trader, used to purchase the food-grains from the small farmer and has also granted the valid receipt to each of the farmers, there is no bar for the trader to purchase the wheat from the general market. It has further been argued that there is no evidence or material to indicate that the seized wheat is of the Food Corporation of India and it was being carried for the purposes of black-marketing.

6. In the present case, the petitioner has not challenged the



order of the Collector on merit of the case; rather he has confined his prayer with respect to the release of the wheat. The State has filed its counter affidavit, wherein the application of the petitioner dated 11.04.2017 has been attached, which indicates that the petitioner has shown eagerness to take the wheat in the prevalent market rate. The request of the petitioner was taken into consideration and in pursuance thereof, the Collector has passed the order accordingly.

7. In such view of the matter, this Court does not find any merit in the present writ application. Accordingly, this writ application is dismissed. The petitioner, if so advised, may challenge the order of the Confiscating Authority before the appropriate forum. It is clarified that this Court is not giving any opinion on the merit of the case.

(Shivaji Pandey, J)

pawan/-

AFR/NAFR	N.A.F.R.
CAV DATE	N/A
Uploading Date	28.07.2017
Transmission Date	N/A

