

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Writ Jurisdiction Case No.1812 of 2017

Arising Out of PS.Case No. -null Year- null Thana -null District- SIWAN

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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. Dhananjay Kumar Shahi, Advocate
For the Respondent/s : Mr. Arvind Ujjwal, SC-4

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR

ORAL JUDGMENT

Date: 16-10-2017

Heard learned counsel for the parties.

2. 350 bags of wheat of the petitioner was seized in connection with Ghuthani P.S. Case No.127 of 2016 under Section 7 of the Essential Commodities Act.

3. Submission of the learned counsel for the petitioner is that Section 7 of the Essential Commodities Act is not attracted in the facts and circumstances of the case because wheat is not a controlled item and other offences are to be established during trial. Contention is that by order dated 11.04.2017 the Collector, Siwan, ordered for release of the wheat in favour of the petitioner on payment of cash equal to the value of the grain. The condition imposed for release of



the wheat is harsh one and in similar circumstances a coordinate Bench of this Court in CWJC No.622 of 2017 vide Annexure-7 had directed to deposit bank guarantee/cash of 10% of the total cost of the goods.

4. Considering the substance in the submission aforesaid, the impugned order stands modified to the extent that petitioner would file surety bond equal to the market value of the wheat out of that 10% would be through bank guarantee/cash.

5. With the aforesaid observation, this writ application stands disposed of.

(Birendra Kumar, J)

Mkr./-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	18.10.2017
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