

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.11403 of 2017

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Shankar Rice Mill, Lodipur, through its Proprietor namely, Subodh Kumar, S/o-
Late Ram Gulam Prasad @ Ram Gulam Sharma, resident of village-Lodipur, P.S.-
Hulasganj, District-Jehanabad.

.... Petitioner

Versus

1. The State of Bihar through the Collector, Jehanabad.
2. The Collector, Jehanabad.
3. The Bihar State Food and Civil Supply Corporation Patna, through its
Managing Director.
4. The District Manager, Bihar State Food & Civil Supply Corporation,
Jehanabad.
5. The District Certificate Officer, Jehanabad.

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Rajeev Kumar
Mr. Arun Kumar, Adv.
For the Respondent/s : Mr. Sanjay Kr. Giri- G.P.-9
For the B.S.F.C. : Mr. Shailendra Kumar Singh, Adv.

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY

ORAL JUDGMENT

Date: 17-08-2017

Heard learned counsel for the petitioner, learned
counsel for the State and learned counsel for the Bihar State Food
and Civil Supplies Corporation.

2. Learned counsel for the petitioner submits that the
petitioner is facing criminal case as well as present Certificate Case
No.1 of 2014-15 for the allegation of not depositing the C.M.R.
amount in terms of the agreement.



3. The petitioner is a miller, as he has not deposited C.M.R. amount in terms of the agreement led to filing of the criminal case vide Hulasganj P.S. Case No. 24 of 2015 for the offence punishable under Sections 406, 409, 420, 120-B of the Indian Penal Code and under Section 7 of the E.C. Act. The petitioner has been granted bail by this Court in Criminal Miscellaneous No.29412 of 2015 and after release from the criminal confinement a proceeding under the P.D.R. Act has been initiated, which has been registered as Certificate Case No.1 of 2014-15. The petitioner has filed an objection under Section 7 of the Act, but without disposal of the same he has been arrested and put to civil prison.

4. The District Certificate Officer, Jehanabad was obliged to consider the objection filed, in pursuance of notice, by the judgment debtor by a reasoned order and only then he could have taken coercive measure against the defaulter, but before disposal of the same, he was not supposed to take such action by putting the person behind the bar.

5. This Court cannot approve the action of the Certificate Officer, the manner he has acted. Accordingly, the order dated 16.04.2015 issuing body warrant is set aside. Let the petitioner be



released on bail in connection with Certificate Case No.1 of 2014-15 to the satisfaction of the District Certificate Officer, Jehanabad. The Certificate Officer is directed to hear the petitioner and dispose of the certificate proceeding by a reasoned order within a period of four months from the date of receipt/production of a copy of this order. The petitioner is also directed to co-operate in the disposal of the proceeding.

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

(Shivaji Pandey, J)

pawan/-

AFR/NAFR	N.A.F.R.
CAV DATE	N/A
Uploading Date	22.08.2017
Transmission Date	N/A

