

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Writ Jurisdiction Case No.1147 of 2017

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

=====

1. Ashutosh Kumar Son of Vijay Sharma, R/o Village- Keshpa, P.S.- Alipur,
District- Gaya.

.... Petitioner/s

Versus

1. The State of Bihar Through The Director General of Police, Bihar, Patna.
2. The District Magistrate , Gaya.
3. The Senior Superintendent of Police , Gaya.
4. The Deputy Superintendent of Police, Tekari, Gaya.
5. The Sub-Divisional Officer, Tekari, Gaya.
6. The Block Supply Officer, Tekari, Gaya.
7. The Officer-In-Charge, Alipur P.S., District- Gaya.

.... Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. N. K. Agrawal, Sr. Advocate
Mr. Manish Kumar No.2, Advocate
For the Respondent/s : Mr. Partha Sarthi, GA-4

=====

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL JUDGMENT
Date: 26-07-2017

Heard learned counsel for the parties.

Rice of the petitioner was seized by the authorities concerned from the rice mill of this petitioner named as Maa Tara Rice Mill and Alipur P.S. Case No.42 of 2017 was registered alleging therein that the same was suspected to be government subsidized rice.

Submission of the learned counsel for the petitioner is that 584 Quintals of rice was seized by the authorities, which is a perishable item and the petitioner is ready to give the surety bond of



the amount equal to the cost of the rice. In the circumstances, the same may be released in favour of the petitioner as it is yet to be established whether the same was property of Government or the same was of the petitioner as apparently the petitioner is a rice miller and the seized rice was milled by the petitioner and the same was to be handed over to its owner.

Finding substance in the submission of the learned counsel for the petitioner that no purpose is going to be served by continued detention of rice which is likely to be rotten in the event of continued seizure and also considering the fact that petitioner is ready to reimburse in the event of the same being found of the respondents, let the rice be released in favour of the petitioner on execution of surety bond approximately equivalent to the cost of the rice (not in the form of bank guarantee or cash) but may include immovable property of the petitioner along with two sureties of the like amount to the satisfaction of Chief Judicial Magistrate, Gaya.

With the aforesaid observation, this application stands disposed of.

(Birendra Kumar, J)

Mkr./-

AFR/NAFR	NAFR
CAV DATE	
Uploading Date	27.07.2017
Transmission Date	

