

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Writ Jurisdiction Case No. 1372 of 2017

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

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1. M/s. Sri Sadguru Rice Mill through it's Proprietor Jitendra Kumar, son of Sri Ramji Prasad, Resident of village - Tarawan, Police Station - Wazirganj, District - Gaya.
 2. Rajesh Kumar, Son of Sri Sankar Lal, resident of Wazirganj, P.S. - Wazirganj, District - Gaya.

.... Petitioners

Versus

1. The State of Bihar through the Principal Secretary, Food & Consumer Protection Department, Govt. of Bihar, Patna.
2. The District Magistrate, Gaya.
3. The Sub Divisional Officer, Sadar Gaya.
4. The Block Supply Officer, Wazirganj, Dist. - Gaya.
5. The Officer in Charge, Police Station Wazirganj, Dist - Gaya.
6. The Bihar State Food Corporation Ltd. District Office Gaya

.... Respondents

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Appearance :

For the Petitioners : Mr. Binay Kumar, Advocate
For the BSFC : Mr. Shailendra Kumar Singh, Advocate
For the State : Md. Shahid Siddiqui, A.C. to A.A.G. 5

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR

ORAL JUDGMENT

Date: 08-09-2017

Heard learned counsels for the parties.

Learned counsel for the petitioners is permitted to correct the date of FIR in paragraph no. 1 of the writ petition in course of the day.

Petitioner no. 1 is a rice mill. Wazirganj P.S. Case No. 317 of 2017 was registered under Sections 467, 468 and 420 of the Indian Penal Code and Section 7 of the Essential Commodities Act as truck bearing registration no. BR02W8319 of petitioner no. 2 was carrying 205 quintals of rice of the petitioner no. 1.



Allegation is that the said rice was for PDS distribution to the needy people. However, for black marketing purpose, the same was turned into some other bag and was being carried on the said truck.

Submission of the learned counsel for the petitioners is that rice is not a controlled item, hence, offence under Section 7 of the Essential Commodities Act is not attracted, especially, in view of the fact that none of the petitioners are PDS dealer. Moreover, petitioner no. 1 is a rice mill and the rice was milled by it and was being loaded for being carried to the destination. His submission is for release of the rice as the same is the perishable item and no purpose would be served by its continued detention. Moreover, the petitioner is ready to give security for reimbursement of the rice. Similarly interim custody of the vehicle be also released in favour of the owner i.e. petitioner no. 2.

After hearing the parties and considering the facts and circumstances of the case, let the rice be released in favour of the petitioner no. 1 on execution of surety bond of Rs.6,00,000/- (rupees six lakhs) (not in the form of bank guarantee or cash) along with two sureties of the like amount. Similarly, the seized truck bearing registration no. BR02W8319 be released in favour of petitioner no. 2 on execution of surety bond of Rs.20,00,000/- (rupees twenty lakhs)



(not in the form of bank guarantee or cash) along with two sureties of the like amount by way of ad interim custody.

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

(Birendra Kumar, J)

Kundan/-

AFR/NAFR	N.A.
CAV DATE	N.A.
Uploading Date	13.09.2017
Transmission Date	13.09.2017

