

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.4845 of 2017

=====

1. Pintoo Kumar Sah S/o Sri Devidayal Sah, R/o Rajnagar, P.S.- Rajnagar, District-Madhubani.

.... Petitioner/s

Versus

1. The State of Bihar through Secretary, Food & Civil Supplies Department, Government of Bihar, Patna.
2. The District Magistrate, Madhubani.
3. The Block Supply Officer, Rajnagar.
4. The Circle Officer, Rajnagar.

.... Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. N. K. Agrawal, Sr. Advocate.
Mr. Anujit Sinha

For the State : Mr. Upendra Pratap Singh, AC to SC4

=====

CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY

ORAL JUDGMENT

Date: 01-08-2017

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

In the present case, petitioner is seeking relief for release of 127 bags of rice each of 50 Kg. and 35 bags of paddy seized by the Block Supply Officer, Rajnagar, Madhubani which led to institution of Supply Confiscation Case No.4 of 2016-17, arising out of Rajnagar P.S. Case No.200 of 2016 under Section 7 of the Essential Commodities Act.

It appears that premises was raided by the police party along with the Block Development Officer and it was found that 127 bags of rice and 35 bags of paddy was kept in the shop of the



petitioner, after enquiry it was found that the same was meant for S.F.C. for distribution of P.D.S. shop which led to seal of the shop and later on a confiscation proceeding vide Confiscation Case No. 4 of 2016-17 has been initiated by the Collector.

Learned counsel for the petitioner submits that grain is a perishable commodity would remain under seal after some time it will of no use.

In such view of the matter, petitioner is directed to file an application before the Collector Madhubani and within 15 days from the date of filing of the same the Collector will be obliged to dispose of the application with regard to release of the food grains as it is perishable item. The petitioner will be at liberty to raise all points which has been raised in this writ petition. The Collector will also consider about unsealing of the house and shift the grains to another place.

With the aforesaid observation and direction this writ petition is disposed of.

Vinay/-

(Shivaji Pandey, J)

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	7.8.2017
Transmission Date	NA

