

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.1320 of 2017

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Rajesh Lal, Son of Sri Vinod Prasad, resident of Village – Dariyapur, P.S.
Nagar Nausa, District Nalanda

.... Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Department of Food and Supply, Government of Bihar, Patna
2. The Bihar State Food and Civil Supplies Corporation Limited, through its Managing Director, Patna
3. The District Manager, Bihar State Food and Civil Supplies Corporation Limited, Nalanda at Biharsharif
4. The District Collector, Nalanda at Biharsharif
5. The Certificate Officer, Nalanda at Biharsharif
6. That Station House Officer, Karai Police Station, District Nalanda
7. The Assistant Superintendent, Mandal Kara, Biharsharif, District Nalanda

.... Respondents

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Appearance :

For the Petitioner : Mr. Bhola Kumar, Advocate

For the BSFC : Mr. Shailendra Kumar Singh, Advocate

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

3 11-09-2017

Heard learned counsels for the parties.

The petitioner has invoked the writ jurisdiction of this Court for quashing the order dated 25.05.2017 passed by respondent no. 5-the Certificate Officer, Nalanda at Biharsharif whereby he has remanded the petitioner to civil prison in connection with Certificate Case No. 19 of 2014-15 vide Annexure-4. The remand has been ordered in pursuance of power to the Certificate Officer under Section 15 of the Bihar & Orissa



Public Demand Recovery Act, 1914 which provides for mode of execution of the certificate.

Submission of the learned counsel for the petitioner is that the petitioner is in custody since 25.05.2017 and Section 39 of the aforesaid Act provides for release of the certificate debtor in the event of disclosing his immovable property. He further submits that the petitioner has already disclosed his property to the Certificate Officer.

Considering the aforesaid submission, let the petitioner be released on execution of bail bond of Rs.10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of the Certificate Officer, Nalanda at Biharsharif in connection with Certificate Case No. 19 of 2014-15, with condition that the petitioner shall disclose his property to the competent authority at the time of filing of the bail bond.

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

(Birendra Kumar, J)

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