

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13934 of 2017

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Sanjiv Ved Prakash Son of Sri Devendra Sharma, Proprietor of M/s Raj Rice Mill, Resident of Village- Raghunathpur, 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 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 : Mr. Rajeev Kumar, Advocate
For the State : Mr. Vikas Ratan Bharti, AC to GP9
For the BSFC : Mrs. Namrata Mishra, Advocate

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 16-11-2017

The present writ petition has been filed for the following

reliefs –

“(i) A writ in the nature of Certiorari setting aside the Certificate Case No. 8/14-15 filed before the District Certificate Officer, Jehanabad for recovery of certificate amount without compliance of this necessary provision of Bihar & Orissa Public Demand Recovery Act.

(ii) For a direction upon the respondent No. 5 to release this petitioner from custody without deciding the objection filed by the petitioner before learned Certificate Officer in mechanical manner warrant has been issued and petitioner has been arrested.

(iii) Any other order/orders for guarantee any other relief/reliefs for which the petitioner if found entitled in the facts and circumstances of the case.”

2. The petitioner has not seriously pressed prayer no. 1

to challenge the validity of the certificate proceeding, and the same is



accordingly rejected.

3. By order dated 22.09.2017, the petitioner was directed to be released on bail in connection with Certificate Case No. 08 of 2014-15 subject to the condition that he would deposit Rs. 5,00,000/- (Rupees five lakhs) within 30 days of his release and further amount of Rs. 5,00,000/- (Rupees five lakhs) within one month thereafter.

4. It is not in dispute that the petitioner has been released thereafter and has since made the deposit of the first installment of Rs. 5,00,000/- (Rupees five lakhs).

5. As regards the remaining amount of Rs. 5,00,000/- (Rupees five lakhs), learned counsel for the petitioner undertakes that the same will be paid by 4th December, 2017 being the due date in view of the aforesaid order.

6. In the above circumstances, the present writ petition stands disposed of with the observation that the concerned authority shall be entitled to proceed against the petitioner in accordance with law in case of his failure to make appropriate payment. Needless to say, the certificate case shall proceed for recovery of the dues remaining outstanding against the petitioner.

(Vikash Jain, J)

B.T/Chandran

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	21.11.2017
Transmission Date	N.A.

