

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.16666 of 2017

=====

M/s Rajiv Ranjan Rice Mill, Ahiro, Police Station Dhoraiya, Banka through its Proprietor Sri Rajiv Ranjan, Son of Nawal Kishore Yadav, resident of Village Ahiro, Police Station Dhoraiya, District- Banka.

.... Petitioner

Versus

1. The State of Bihar through Principal Secretary, Food and Civil Supplies Department, Government of Bihar.
2. The District Magistrate, Banka.
3. The Senior Deputy Collector, Supply, Banka.
4. The Sub Divisional Officer, Banka.
5. The Block Development Officer, Block Dhoraiya, District- Banka.
6. The Block Supply Officer, Block Rajaun, District- Banka.
7. The Station House Officer, P.S. Dhoraiya, District Banka.
8. The Bihar State Food & Civil Supplies Corporation through its Managing Director, Sone Bhawan, Patna, Bihar.
9. The District Manager, State Food Corporation, Banka.

.... Respondents

=====

Appearance :

For the Petitioner : Mr. Sanjeev Kumar Singh, Advocates

For the Respondents : Mr. S.Raza Ahmad -AAG5

Mr. Alok Ranjan, AC to AAG 5

=====

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 30-11-2017

The present writ petition has been filed for the following
reliefs —

- “(i) For quashing the entire confiscation proceeding bearing confiscation (supply) case no. 24/2017-18 initiated against the petitioner under Essential Commodities Act by the District Magistrate, Banka on non-est grounds,
- (ii) For further direction to authorities to release forthwith the food grains seized from the godown of the petitioner as the same is permissible in nature,
- (iii) For any other relief/reliefs which the petitioner



may be found to be entitled in the facts and circumstances of the case”.

2. Learned counsel for the petitioner submits that the issue whether the Collector is empowered to direct confiscation, which is a judicial function, has been referred to a larger Bench by order dated 19.09.2016 passed in LPA No. 1647 of 2015. Pending decision by the larger Bench, a Division Bench of this Court in LPA No. 2383 of 2016 has taken the view that the vehicle can be released considering that they deteriorate while in custody with the officials of the Department and finally the confiscation proceedings are decided in favour of the owners of the vehicle.

3. Learned counsel for the respondents appears and has been heard.

4. The Division Bench in its order dated 17.04.2017 passed in LPA No. 2383 of 2016 referred to above, has directed as follows –

“Keeping view the aforesaid, we direct for the release of the vehicle (Regn. No.BR-02AA-6312) in accordance to the conditions stipulated in para 5 of the order passed on 21.2.2017 in L.P.A. No.306 of 2017 and impose a further condition that apart from the security bond a solvent surety shall be furnished by the petitioner to the satisfaction of the competent authority.”

5. In the above view of the matter and considering that the challenge to the Collector’s jurisdiction to pass an order of confiscation



is itself pending before a larger Bench of this Court, the present writ petition is disposed of in line with and on the same terms as the aforesaid direction in LPA No. 2383 of 2016.

B.T/Chandran

(Vikash Jain, J)

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	02.12.2017
Transmission Date	N.A.

