

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7956 of 2017

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Avinash Kumar @ Pinku Sah, Son of Sri Ramchandra Sah, Resident of Araniya,
P.S. - Jandaha, District- Vaishali.

.... Petitioner

Versus

1. The State of Bihar through the Collector, Vaishali.
2. The Collector, Vaishali.
3. The Block Supply Officer, Rajapakar, Vaishali.

.... Respondents

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Appearance :

For the Petitioner : Mr. Dhananjaya Nath Tiwari, Advocate

For the Respondents : Mr. Sanjay Kr. Giri- GP9

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 15-01-2018

The petitioner seeks a direction to the respondents to release 782 bags of rice each of 50 Kg. and 404 bags of wheat each of 50 kg. seized by Block Supply Officer, Jandaha, Vaishali on 15.04.2017 giving rise to Jandaha P.S. Case No. 54 of 2017 under Section 7 of the Essential Commodities Act in favour of the petitioner to the satisfaction of learned A.C.J.M. XI, Vaishali at Hajipur.

2. Learned counsel for the petitioner submits that the goods seized are perishable in nature and are likely to deteriorate by the time the confiscation proceeding being Confiscation Case No. 01 of 2017-18 pending before the Collector, Vaishali at Hajipur is concluded. It is further submitted that rice and wheat along with some other goods have been exempted from licensing requirements and other restrictions relating to stock limits and movement in terms of Removal of (Licensing Requirements, Stock Limits and Movement Restrictions) on Specified Foodstuffs Order, 2002 dated 15.02.2002 and thus such goods are not



liable for confiscation. Moreover, it is submitted that the goods seized are perishable in nature and are likely to deteriorate in the near future.

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

4. Having regard to the nature of prayer of the petitioner, this Court directs that the rice and wheat seized in connection with Jandaha P.S. Case No. 54 of 2017 be released in favour of the petitioner within a period of four weeks from the date of receipt/production of a copy of this judgment upon furnishing sufficient security, 5% of which should be in the form of cash/bank guarantee to the satisfaction of learned Additional Chief Judicial Magistrate- XI, Vaishali at Hajipur on proper verification of the ownership of the goods. Such release shall be subject to the final result of Jandaha P.S. Case No. 54 of 2017 as well as Confiscation Case No. 01 of 2017-18. It will be open to the Additional Chief Judicial Magistrate, Vaishali at Hajipur to keep proper quantity of seized goods as sample for the purpose of exhibits in the case.

5. The writ petition stands disposed of.

Md. Ibrarul/BT

(Vikash Jain, J)

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