

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.13029 of 2017

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Sohrai Yadav son of Musan Yadav resident of Village- Morhe, Police Station- Fatehpur, District- Gaya.

.... Petitioner

Versus

1. The State of Bihar, through the Principal Secretary, Food & Consumer Protection Department, Govt. of Bihar, Patna.
2. The District Magistrate, Gaya.
3. The Sub Divisional Officer, Sadar Gaya.
4. The Circle Officer cum In charge Block Supply Officer, Tankuppa, District- Gaya.
5. The Officer In Charge, Fatehpur Police Station, District- Gaya.

.... Respondents

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Appearance :

For the Petitioner : Mr. Binay Kumar, Advocate

For the Respondents : Mr. Lalan Kumar, AC to GP9

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 19-02-2018

Heard learned counsel for the petitioner as well as learned counsel for the respondents

2. The petitioner seeks a direction to the respondents to release 30 quintals of wheat seized by Circle Officer-cum-Incharge Block Supply Officer, Tankuppa, Gaya in Fatehpur P.S. Case No. 200 of 2017 under Section 7 of the Essential Commodities Act giving rise to Confiscation Case No. 16 of 2017 in favour of the petitioner to the satisfaction of learned District Magistrate, Gaya.

3. 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. 16 of 2017 pending before the District Magistrate, Gaya 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.

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

5. Having regard to the nature of prayer of the petitioner, this Court directs that the wheat seized in connection with Fatehpur P.S. Case No. 200 of 2017 be released, if not already confiscated, 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 District Magistrate, Gaya on proper verification of the ownership of the goods. Such release shall be subject to the final result of Fatehpur P.S. Case No. 200 of 2017 as well as Confiscation Case No. 16 of 2017. It will be open to the District Magistrate, Gaya to keep proper quantity of seized goods as sample for the purpose of exhibits in the case.

6. The writ petition stands disposed of.



B.T/Chandran

(Vikash Jain, J)

AFR/NAFR	NAFR
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