

**IN THE HIGH COURT OF JUDICATURE AT PATNA**

**Civil Writ Jurisdiction Case No.463 of 2018**

**IN**

**Cr. WJC 706 of 2017**

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1. Sarika Devi, Wife of Dharmendra Kumar Singh, resident of Village- Loharadih, P.O.- Besani Kala, P.S.- Rajpur (Nasriganj), District- Rohtas.
  2. Lal Saheb Singh, Proprietor Lal Saheb Mini Rice Mill, Chenari, Son of Late Ram Keshwar Singh, Resident of Village- Nisaja, P.O. Sabar, P.S. Chenari, District- Kaimur.
  3. Jitendra Kumar, Proprietor Gowardhan Rice Mill, Natwar, Son of Late Parmeshwar Sah, resident of Village- Natwar, P.O.- Natwar, P.S.- Natwar, District- Rohtas.
  4. Abhijit Bahadur, Son of Sri Prem Chandra, M/S Sri Thakur Ji High-Tech Agro Industries Mojari, Rohtas, resident of Village- Mojari, P.O.- Torani, P.S.- Shivsagar, District- Rohtas.
  5. Sanjay Singh, Son of Sri Shankar Dayal Singh, resident of Village- Karup, P.O.- Malwar, P.S.- Shivsagar, District- Rohtas.
  6. Mahendra Singh, son of Late Bhola Prasad Singh, Hanumanji Rice Mill, resident of Village- Bahadur Tola, Hajan Bazar, P.S. Hajan Bazar, District- Bhojpur.
  7. Rina Singh, w/o Sri Anil Kumar Singh, M/S Maa Vindhayasani Rice Mill, Khairahi Dawath, Rohtas R/o Village- Khairahi, P.O.- Bahuara, P.S.- Dawath, District- Rohtas.
  8. Yashwant Kumar Singh, Son of Late Jawala Prasad Singh, M/S Balaji Rice Mill, Resident of Village- Nekara, P.O. Muradabad, P.S.- Sasaram, District- Rohtas.
  9. Anil Kumar Gupta, Son of Bhagwat Prasad, M/S Bhagwatiji Mini Rice Mill, resident of Village- Dharmagat Parsi, P.O.- Gorakh Parsi, P.S.- Karakat, District- Rohtas.
  10. Sanjay Kumar Singh, Son of Late Harihar Singh, M/S Maa As Kamani Rice Mil, Resident of village- Radia, P.O. + P.S.- Bikramganj, District- Rohtas.
  11. Santosh Kumar Yadav, son of Late Gupteshwar Singh, M/S Satyam Mini Rice Mill, Resident of Village Jamuada, P.O.- Karma (Amar), P.S.- Suryapura, District- Rohtas.
  12. Ram Narayan Sah, Son of Late Kapur Chand Sah, M/S Shivguru Morden Mini Rice Mill, resident of village- Tekari, P.O.- Sheosagar, P.S.- Sheosagar, District- Rohtas.
  13. Radhe Shayam Keshri, son of Harihar Sah, M/S Ganjaji Rice Mill, Majhiaon, resident of village + P.O. + P.S.- Hasan Bazar, District- Rohtas.
  14. Rakesh Kumar, Son of Paras Nath Gupta, M/S Maa Vaishnavi Rice Mill, Resident of Village- Pewandi, P.O. + P.S.- Chenari, District- Rohtas.
  15. Sri Krishna Menon, Son of Late Shailendra Choudhary, Proprietor M/S Ambikajee Rice Mill, Sanjhauli, at P.O. + P.S. Sanjhauli, resident of Village P.O. + P.sS.- Sanjhauli, District- Rohtas.

.... .... Petitioner/s

Versus

1. The State of Bihar.
2. The Principal Secretary, Department of Supply, Government of Bihar, Patna.
3. The Director General of Police, Bihar, Patna.



4. The Inspector General of Police, Patna Range, Patna.
5. The Deputy Inspector General of Police, Sahabad Range, Dehri On Sone, Rohtas.
6. The Superintendent of Police, Bhojpur, Ara.
7. The Superintendent of Police, Rohtas, Sasaram.
8. The Bihar State Food & Civil Supplies Corporation, Patna through its Managing Director.
9. The Managing Director, Bihar State Food & Civil Supplies Corporation, Patna.
10. The District Manager, Bihar State Food & Civil Supplies Corporation, Rohtas, Sasaram.
11. The District Manager, Bihar State Food & Civil Supplies Corporation, Bhojpur, Ara.

.... .... Respondent/s

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**Appearance :**

For the Petitioner/s : Mr. Rakesh NarayanSingh, Adv.

For the Respondent- State: Mr. Alok Ranjan, AC to AAG-5

For the BSFC : Mr.Shailendra Kr. Singh, Adv.

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**CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH**

**ORAL JUDGMENT**

**Date: 06-09-2018**

The present writ petition has been filed for quashing the notice dated 22.03.2017, contained in Annexure-20 to the writ petition, issued by the Bihar State Food & Civil Supplies Corporation Limited, purportedly on the basis of the order dated 28.02.2017 passed by the Hon'ble Apex Court in Special Leave to Appeal (Crl.) No. 1779 of 2016 and other analogous cases, directing the petitioners to deposit Bank guarantee as per direction of the Hon'ble Supreme Court.

The learned counsel for the parties have jointly submitted that the said notice dated 22.03.2017 has been rendered redundant in view of the subsequent judgment dated 13.08.2018 passed by the Hon'ble Apex Court in Cr. Appeal No. 998 of 2018 and



other analogous cases, whereby and where-under the order dated 28.02.2017 passed earlier has been interpreted/ modified.

Having regard to the submissions made by the learned counsel for the parties and having regard to the judgment rendered by the Hon’ble Apex Court dated 13.08.2018 passed in Cr. Appeal No. 998 of 2018 and other analogous cases, the present writ petition is also disposed of on same and similar terms with a direction to the respondents to abide by the directions issued by the Hon’ble Apex Court in the aforesaid judgment dated 13.08.2018. It is further declared that the notice issued by the respondent Bihar State Food & Civil Supplies Corporation Limited, dated 22.03.2017 has become infructuous on account of aforesaid subsequent developments.

**(Mohit Kumar Shah, J)**

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| AFR/NAFR          | NAFR       |
| CAV DATE          | N/A        |
| Uploading Date    | 13.09.2018 |
| Transmission Date |            |

