

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.8839 of 2018

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Yuvraj Bhagat, S/o Late Satyadeo Bhagat, Resident of Village-Bajinathpur, P.S.-
Sour Bazar, District- Saharsa.

.... Petitioner

Versus

1. The State of Bihar, through the Principal Secretary, Food and Consumer Protection Department, Government of Bihar, Patna.
2. The Collector-cum-District Magistrate, Madhepura.
3. The Block Supply Officer, Madhepura.

.... Respondents

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Appearance :

For the Petitioner : Mr. Dhananjaya Nath Tiwari, Advocate.

For the Respondents : Mr. Arvind Ujjwal, SC-4

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 18-05-2018

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

2. The present writ petition has been filed for a direction to
the respondents to release 235 bags of wheat and 146 bags of rice of
the petitioner in connection with Madhepura P.S. Case No. 736 of
2017 under Section 7 of the E.C. Act giving rise to Confiscation Case
no. 86 of 2017.

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. 86 of
2017 pending before the District Magistrate, Madhepura 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 rice and wheat seized in connection with Madhepura P.S. Case No. 736 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 District Magistrate, Madhepura on proper verification of the ownership of the goods, if not already confiscated. Such release shall be subject to the final result of Madhepura P.S. Case No. 736 of 2017 as well as Confiscation Case No. 86 of 2017. It will be open to the District Magistrate, Madhepura to keep proper quantity of seized goods as sample for the purpose of exhibits in the case.



6. The writ petition stands disposed of.

(Vikash Jain, J)

B.T/-

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	22.05.2018
Transmission Date	N.A

