

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.12372 of 2018

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Indradeo Prasad, S/o Shree Dinanath Sah, Resident of Naya Bazar Dalpatti
Ward No. 21, P.S. Kawaiya, District- Lakhisarai.

.... Petitioner

Versus

1. The State of Bihar, through the Secretary, Food & Consumer Protection Department, Government of Bihar, Patna.
2. The Collector, Lakhisarai.
3. The Marketing Officer, Nagar Panchayat, Lakhisarai.

.... Respondents

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Appearance :

For the Petitioner : Mr. N.K. Agrawal, Sr. Advocate.
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: 12-07-2018

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

2. The petitioner seeks a direction to the respondents to
release 312 bags rice (156 quintal) seized by the Marketing Officer,
nagar Panchayat, Lakhisarai (respondent no. 3) in Kawaiya P.S. Case
No. 116 of 2018 under Section 7 of the Essential Commodities Act and
the confiscation proceeding is pending in confiscation Case No. 18 of
2018 before the Collector, Lakhisarai.

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. 18 of
2018 pending before the Collector, Lakhisarai is concluded. It is further
submitted that the rice has 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 seized in connection with Kawaiya P.S. Case No. 116 of 2018 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 Collector, Lakhisarai on proper verification of the ownership of the goods. Such release shall be subject to the final result of Kawaiya P.S. Case No. 116 of 2018 as well as Confiscation Case No. 18 of 2018. It will be open to the Collector, Lakhisarai 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)

Md. Ibrarul/-

AFR/NAFR	NAFR
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