

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.10007 of 2014

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Manoj Sao son of Late Ram Prasad Sao Resident of Village - Dumarichatti,
Police Station - Fatehpur, District - Gaya.

.... Petitioner/s

Versus

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

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Binay Kumar, Adv

For the Respondent/s : Mr. NIRBHAY K. SINGH, Adv

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 20-07-2018

Heard learned counsel for the petitioner and learned counsel for the respondents.

2. The present writ petition has been filed for setting aside the seizure of 85 quintals of rice and 20 quintals of wheat from the house of the petitioner by the Block Supply Officer, Fatehpur (Gaya) which led to institution of Fatehpur P.S. Case No. 137 of 2014 under Section 7 of the E.C. Act.

3. Learned counsel for the petitioner submits that the food grains seized are perishable in nature and are likely to deteriorate by the time a confiscation proceeding is initiated and 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 food grains 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 85 quintals of rice and 20 quintals of wheat seized in connection with Fatehpur P.S. Case No. 137 of 2014 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 Chief Judicial 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. 137 of 2014. It will be open to the learned Chief Judicial Magistrate, Gaya to keep proper quantity of seized food grains as sample for the purpose of exhibits in the case.

6. The writ petition stands disposed of.

(Vikash Jain, J)

Chandran/BT

AFR/NAFR	NAFR
CAV DATE	NA
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