

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.17980 of 2015

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1. Bijay Kuamr Sah @ Bijay Kumar S/o Bindeshwar Sah, resident of Rahua Rajaram, P.S.- Mushahari, Distt- Muzaffarpur.
 2. Bindeshwar Sah, son of Rit Lal, resident of Rahua Rajaram, P.S.- Mushahari, Distt- Muzaffarpur.

.... Petitioners

Versus

1. The State of Bihar through Collector, Muzaffarpur.
2. The Collector, Muzaffarpur.
3. The Block Supply Officer, Mushahari, Muzaffarpur.

.... Respondents

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Appearance :

For the Petitioners : Mr. Vijay Anand, Advocate.

For the Respondents : Mr. Anirban Kundu, SC-24

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 18-08-2018

The petitioners seek a direction to the respondents to release 181 bags of rice having a total quantity of 90.5 quintals seized by Block Supply Officer, Mushahari, Muzaffarpur, (respondent no. 3) in Mushari P.S. Case No. 144 of 2015 under Section 7 of the Essential Commodities Act.

2. Learned counsel for the petitioners submits that the goods seized, however, are perishable in nature and are likely to deteriorate as no confiscation proceeding has been initiated as yet. 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.

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

4. Having regard to the nature of prayer of the petitioners, this Court directs that the articles seized in connection with Mushari P.S. Case No. 144 of 2015 be released in favour of the petitioners 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 Sub-divisional Judicial Magistrate, Muzaffarpur on proper verification of the ownership of the goods. Such release shall be subject to the final result of Mushari P.S. Case No. 144 of 2015. It will be open to the Sub-divisional Judicial Magistrate, Muzaffarpur to keep proper quantity of seized goods as sample for the purpose of exhibits in the case.

5. The writ petition stands disposed of.

(Vikash Jain, J)

Md. Ibrarul/-

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