

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.744 of 2018

Arising Out of PS. Case No.-227 Year-2017 Thana- GUTHNI District- Siwan

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Jagdish Prasad S/o Late Harihar Prasad @ Harihar , R/o Village- Sohagra
Bazar, P.O.- Sohagra, P.S.- Guthani, District- Siwan.

... .. Petitioner/s

Versus

1. The State of Bihar Through The Collector, Siwan.
2. The District Magistrate Cum Collector , Siwan.
3. The Sub Division Officer, Siwan.
4. The Supply Inspector Cum Block Supply Officer Guthani, Siwan.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Dhananjay Kumar Shahi, Advocate
For the Respondent/s : Mr. Arvind Ujjwal (SC 4)

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

4 24-07-2018 Despite indulgence given to the State vide order dated 27.04.2018 no material at all has been brought to the notice of this Court showing even prima facie that the wheat in question was being supplied by way of black marketing. All that is stated in paragraph 6 of the counter affidavit is that the petitioner has not shown any effort to produce purchase papers and therefore, a view has been taken by the Police that the seized wheat was meant for black marketing.

Learned counsel for the petitioner submits that wheat is not a controlled item, there is no restrictions on sale and purchase of wheat and in fact, it is nothing else than a case of high handedness of the Police who in the garb of their uniform has stopped the vehicle and seized the foodgrains.



In the facts and circumstances stated hereinabove, this Court would direct release of the wheat in question which has been seized in connection with Guthani P. S. Case No. 227 of 2107 registered under Section 7 of the Essential Commodities Act within one week from the date of furnishing of two sureties (not in the form of cash or bank guarantee) to the satisfaction of the learned District Magistrate, Siwan.

This writ application stands disposed of.

So far as the prayer to quash the first information report is concerned, the Court has been informed that presently, the investigation is going on, hence, in stead of interfering with the FIR, at this stage, the petitioner is granted liberty to assail it at a later stage if the order taking cognizance is passed in this case.

(Rajeev Ranjan Prasad, J)

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