

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.2619 of 2018

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Pappu Kumar @ Pappu Kumar Gupta, S/o Shanker Saw, Resident of Village-Jangipur, P.S. Sare, District- Nalanda.

.... Petitioner

Versus

1. The State of Bihar through Principal Secretary, Department of Food and Civil Supplies, Government of Bihar, Patna.
2. The Collector-cum- District Magistrate, Nalanda at Biharsharif.
3. The Deputy Collector (Law), Nalanda at Biharsharif.
4. The Superintendent of Police, Nalanda at Biharsharif.
5. The Sub Divisional Officer, Biharsharif, Nalanda.
6. The Supply Inspector, Asthwan, Nalanda.
7. The Officer-in-charge of Sare Police Station, Nalanda.

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Dilip Kumar No. 1, Adv

For the Respondent/s : Mr. S. RAZA AHMAD- AAG5

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 23-02-2018

The petitioner seeks a direction to the respondents to release 70 bags (35 quintals) of rice seized by the Officer-in-Charge of Sare P.S, Nalanda (respondent no. 7) in Sare P.S. Case No. 132 of 2017 under Section 7 of the Essential Commodities Act.

2. Learned counsel for the petitioner submits that the goods seized, however, are perishable in nature and are likely to deteriorate by the time the confiscation proceeding being Confiscation Case No. 87 of 2017 pending before the District Magistrate, Nalanda at Biharsharif 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



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

4. Having regard to the nature of prayer of the petitioner, this Court directs that the articles seized in connection with Sare P.S. Case No. 132 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, Nalanda at Biharsharif on proper verification of the ownership of the goods. Such release shall be subject to the final result of Sare P.S. Case No. 132 of 2017 as well as Confiscation Case No. 87 of 2017.It will be open to the District Magistrate, Nalanda 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)

Chandran/BT

AFR/NAFR	NAFR
CAV DATE	NA
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