

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1348 of 2018

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Arvind Kumar, Son of Rameshwar Saw, Resident of Village- Ramnachak, P.S. -
Barachatti (Mohanpur), District- Gaya.

.... Petitioner

Versus

1. The State of Bihar through Principal Secretary, Food and Civil Supply Department, Bihar, Patna.
2. The District Magistrate, Gaya.
3. The Sub Divisional Officer, Sadar Gaya, District- Gaya.
4. The District Transport Officer, Gaya.
5. The Block Development Officer, Bodh Gaya Block, District- Gaya.
6. The Block Supply Officer, Bodh Gaya Block, District- Gaya.

.... Respondents

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Appearance :

For the Petitioner : Mr. Arvind Kumar Singh, Advocate

For the Respondents : Mr. Upendra Pratap Singh, AC to SC4

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 20-02-2018

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

2. The petitioner seeks a direction to the respondents to release 32.50 quintals of rice seized by Block Supply Officer, Bodh Gaya in Bodh Gaya P.S. Case No. 523 of 2017 under Section 7 of the Essential Commodities Act in favour of the petitioner to the satisfaction of learned District Magistrate, Gaya.

3. Learned counsel for the petitioner submits that the food grains in question seized are perishable in nature and are likely to deteriorate by the time the confiscation proceeding pending before the District Magistrate, Gaya 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 food grains in question 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 Bodh Gaya P.S. Case No. 523 of 2017 be released, if not already confiscated, 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, Gaya, on proper verification of the ownership of the rice seized. Such release shall be subject to the final result of Bodh Gaya P.S. Case No. 523 of 2017. It will be open to the District Magistrate, Gaya to keep proper quantity of seized rice as sample for the purpose of exhibits in the case.

6. The writ petition stands disposed of.

(Vikash Jain, J)

B.T/Chandran

AFR/NAFR	NAFR
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