

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.5690 of 2018

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Md. Samir @ Mohd. Safir Son of Md. Hasim, Resident of Village-Ward No. 03,
Bhagwanpur, Bairgacchi, P.S. Araria, District-Araria.

.... Petitioner/s

Versus

1. The State of Bihar represented through the Principal Secretary-Cum-Commissioner, Department of Food and Civil Supply, Government of Bihar, Patna.
2. The District Magistrate, Kishanganj
3. The Superintendent of Police, Kishanganj,
4. The Block Supply Officer, Kochadhaman-Cum-Assistant District Supply Officer, Kishanganj.
5. The Officer in Charge, Kochadhaman Police Station District-Kishanganj.

.... Respondent/s

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Appearance :

For the Petitioner : M/s Kumar Ravish, Sanjay Kr. Sharma,
Kashyap Kaushal, Advocates

For the Respondents: Mr. ARVIND UJJWAL SC4

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 07-05-2018

The petitioner seeks a direction to the respondents to release 560 bags, each containing 50 kgs. (280 quintals) of rice seized by the S.H.O. of Kochadhamam P.S. (respondent no. 5) in Kochadhamam P.S. Case No. 123 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. 373 of 2017 pending before the District Magistrate, Araria 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 Kochadhamam P.S. Case No. 123 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, Araria on proper verification of the ownership of the goods. Such release shall be subject to the final result of Kochadhamam P.S. Case No. 123 of 2017 as well as Confiscation Case No. 373 of 2017. It will be open to the District Magistrate, Araria 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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