

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.4254 of 2017

=====

Amit Kumar, S/o Ram Babu Prasad, Resident of Village- Chauradano, P.S.- Chauradano, District- East Champaran, Proprietor of M/s Amit Kumar, Chauradano, East Champaran.

.... Petitioner

Versus

1. The State of Bihar through the Collector, East Champaran at Motihari.
2. The District Agriculture Officer, East Champaran at Motihari.
3. The Block Agriculture Officer, Chauradano, East Champaran.

.... Respondents

=====

Appearance:

For the Petitioner : Mr. N.K. Agrawal, Sr. Advocate
Mr. Dhananjaya Nath Tiwari, Adv
For the Respondents : Ms. Alka Verma, AC to SC 17

=====

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 10-01-2018

The present writ petition has been filed for setting aside part of the order dated 14.02.2017 passed in Confiscation Case No. 12 of 2016 (State vs. M/s Mithilesh Kumar and others) passed by the learned Collector, Motihari by which 500 bags of DAP each of 50 kg. and 500 bags of Potash each of 50 kg. has been refused to release in favour of the petitioner and further be pleased to release the seized fertilizer i.e. 500 bags of DAP each of 50 kg. and 500 bags of Potash each of 50 kg. in favour of the petitioner on furnishing sufficient surety to the satisfaction of the learned Collector, East Champaran at Motihari subject to result of criminal case and/or the confiscation case.

2.At the very outset this Court takes note that as a matter of fact the impugned order dated 14.02.2017 is not an order of refusal to release the fertilizer at all rather the same merely directs a show cause/application filed



on behalf of the petitioner to be heard on 17.03.2017.

3. Learned counsel for the petitioner has not been able to point out otherwise. On the other hand, he refers to his show cause (Annexure-4) said to have been filed before the Collector-cum-District Magistrate, East Champaran, Motihari, *inter alia*, requesting for release of the fertilizer.

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

5. Having regard to the facts stated above, the present writ petition is disposed of with a direction to the Collector-cum-District Magistrate, East Champaran, Motihari to consider and dispose of the petitioner's application for release of the fertilizer, if still pending before him, after grant of an opportunity of hearing to the petitioner in accordance with law, expeditiously and preferably within a period of four weeks from the date of receipt/production of a copy of this judgment.

(Vikash Jain, J)

Chandran/BT

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	12.01.2018
Transmission Date	NA

