

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.8636 of 2017

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Rajesh Kumar S/o- Sri Gauri Shankar Sah, resident of Sheotta Bazar, P.S.-
Maharajganj, District- Siwan.

.... Petitioner/s

Versus

1. The State of Bihar through the Collector, Siwan.
2. The District Magistrate-cum- Collector, Siwan.
3. The Block Supply Officer, Goreya Kothi, Siwan.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Dhananjaya Nath Tiwari, Adv

For the Respondent/s : Mr. Nikhil Kumar Agrawal, AC to GP 9

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 18-01-2018

The petitioner seeks a direction to the respondents to release
153 bags (76.5 quintals) of rice seized by Block Supply Officer, Goreya
Kothi (respondent no. 3) in Goreya Kothi P.S. Case No. 11 of 2017 under
Section 7 of the Essential Commodities Act.

2. Learned counsel for the petitioner submits that the goods
seized, are perishable in nature and are likely to deteriorate by the time
the confiscation proceeding being Confiscation Case No. 240/2017-18
pending before the Collector, Siwan 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 Goreya Kothi P.S. Case No. 11 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 Chief Judicial Magistrate, Siwan on proper verification of the ownership of the goods. Such release shall be subject to the final result of Goreya Kothi P.S. Case No. 11 of 2017 as well as Confiscation Case No. 240/2017-18. It will be open to the Chief Judicial Magistrate, Siwan 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
Uploading Date	27.01.2018
Transmission Date	NA

