

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.21025 of 2014

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Rajesh Kumar @ Rajesh Sao son of Late Bachha Sao, resident of Dalpatti Naya Bazar, P.S. Lakhisarai, District Lakhisarai

.... Petitioner

Versus

1. The State of Bihar through the Collector, Lakhisarai
2. The Collector, Lakhisarai.
3. The Block Supply Officer, Lakhisarai

.... Respondents

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Appearance :

For the Petitioner : Mr. N.K. Agrawal, Sr. Advocate
Mr. Dhananjaya Nath Tiwari, Advocate
For the Respondents : Mr. Satyadeo Kumar, SC 5

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 21-08-2018

I.A. No. 2892 of 2017

The interlocutory application has been filed for amendment of the relevant portion of the prayer in the writ petition to the extent that the sale proceeds of the rice deposited in the Treasury to the tune of Rs. 2,22,338/- be released in favour of the petitioner to the satisfaction of learned Collector, Lakhisarai in Confiscation Case No. 04/2014-15.

2. Having regard to the nature of the prayer, the interlocutory application is allowed and the same shall be treated as forming part of the writ petition

CWJC No. 21025 of 2014

3. Heard learned senior counsel for the petitioner and



learned counsel for the respondents.

4. The main writ petition has been filed for a direction to release 385 bags of rice seized by Block Supply Officer, Lakhisarai on 17.10.2014 in favour of the petitioner in connection with Lakhisarai P.S. Case No. 594 of 2014 to the satisfaction of learned C.J.M., Lakhisarai.

5. Learned counsel for the parties agreed that the matter is similar to CWJC No. 5579 of 2013 (*Sanjay Kumar Jha vs. The State of Bihar through the Secretary, Food and Supply Department, Secretariat, Patna and Ors.*) disposed of by this Court in its order dated 02.12.2013 with the following observations —

“Having considered the matter, in my view, the contention of learned counsel for the petitioner is correct. Before the authorities could have alleged that these bags of foodgrains were misappropriated, it is incumbent upon the authorities to show as to from where these bags have come because at those places, there must be a deficit in the counting. In absence of that, merely because a person cannot produce paper or give an explanation, he cannot be held guilty for that is no offence. Be that as it may, for the purposes of disposal of this writ petition, suffice to say that as the sale proceeds amounting to about Rs. 12,31,000/- which have already been deposited in the Government Treasury, the same be released to the petitioner from whose custody the foodgrains have been seized within a period of one month from today upon such security as



the Collector may decide. The security naturally would not be in the shape of cash or bank guarantee. This would, however, be subject to final result of confiscation proceeding and/or criminal case. With these observations and directions, the writ petition stands disposed of.”

6. The present writ petition is accordingly disposed of in line with and on the same terms as CWJC No. 5579 of 2013.

(Vikash Jain, J)

B.T/Chandran

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