

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16682 of 2015

=====

Gulab Devi Wife of Sri Paltan Mandal Resident of Village and Post - Maubehat,
P.S. - Manigachhi, District - Darbhanga.

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Food and Consumer Protection Department, Old Secretariat, Patna.
2. The Collector and District Magistrate, District - Darbhanga.
3. The Sub-Divisional Officer, Sadar Darbhanga, District - Darbhanga.
4. The Block Supply Officer, Manigachhi, District - Darbhanga.

.... Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Rajeev Kumar Labh, Adv

For the Respondent/s : Mr. Pankaj Kumar, SC 12

=====

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 20-08-2018

Heard learned counsel for the petitioner and learned counsel
for the respondents.

2. The present writ petition has been filed for a direction to the Collector, Darbhanga to release the sale proceeds amounting to Rs. 1,65,357/- in the name of the petitioner which have already been deposited in the Government Treasury in connection with Manigachi P.S. Case No. 245/14 dated 04.09.2014.

3. 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 (Annexure-8) 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."

4. 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)

Chandran/Md. Ibrarul

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	21.08.2018
Transmission Date	NA

