

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.7030 of 2018

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1. Pawan Kumar Nayak, Son of Satya Narayan Nayak, resident of Village-Sanghat Chowk, P.S.- Madhepur, District- Madhubani.

.... Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Food & Civil Supply Department, Bihar.
2. The Collector, Purnea.
3. The Block Supply Officer, Purnea.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Vijay Anand

For the Respondent/s : Mr. ARVIND UJJWAL- SC4

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 15-05-2018

The petitioner seeks a direction to the respondents to release 361 bags of rice loaded in truck no. BR 06GA-1270 and 398 bags of rice loaded in truck no. BR 06GA 3204 having a total quantity of 379.5 quintals seized by Block Supply Officer, Baisi, Purnmea (respondent no. 3) in Baisi P.S. Case No. 27 of 2018 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 as no confiscation proceeding has been initiated as yet. 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 Baisi P.S. Case No. 27 of 2018 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 Sub-divisional Judicial Magistrate, Purnea on proper verification of the ownership of the goods. Such release shall be subject to the final result of Baisi P.S. Case No. 27 of 2018. It will be open to the Sub-divisional Judicial Magistrate, Purnea 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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