

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.9005 of 2017

- =====
1. Aman Kumar Singh son of Anirudh Prasad Singh, resident of village - Mahpura, P.S. - Mahisi, District - Saharsa.
 2. Ajay Kumar, son of Binay Kumar Mishra, resident of Mahisi, P.S. - Mahisi, Distt. - Saharsa.
 3. Vineet Kumar Thakur, son of Jai Prakash Thakur, resident of Mahisi, P.S. - Mahisi, Distt. - Saharsa.
 4. Umesh Kumar Mishra son of Anant Kumar Mishra, resident of Dhenga, P.S. - Nauhatta, Distt. - Saharsa.

.... Petitioners

Versus

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

.... Respondents

=====

Appearance :

For the Petitioners : Mr. Dhananjaya Nath Tiwari, Advocate.
For the Respondents : Mr. Lalan Kumar, AC to GP-9

=====

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 08-01-2018

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

2. The present writ petition has been filed for a direction to the respondents to release 98 bags (49 quintals) wheat each of 50 Kg. seized by Block Supply Officer, Simari, Bakhtiarpur, on 30.12.2015 in Confiscation Case No. 02 of 2016 arising out of Bakhtiarpur P.S. Case No. 493 of 2015 under Section 7 of the E.C. Act in favour of the petitioner no. 1, to the satisfaction of learned Collector, Saharsa.

3. Learned counsel for the petitioners invites attention to



the judgment dated 11.08.2016 passed in C.W.J.C. No. 9336 of 2016 in which this Court directed release of 248 bags (124 quintals) of wheat. It is submitted however that another 98 bags (49 quintals) of wheat which had been seized in the same Confiscation Case No. 02 of 2016 was inadvertently missed to be included in the earlier writ petition in C.W.J.C. No. 9336 of 2016. MJC No. 3536 of 2016 was accordingly filed which was however disposed of by order dated 11.01.2017 granting liberty to the petitioners to file fresh writ petition for redressal of their grievances.

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

5. Having regard to the nature of the prayer of the petitioners and in view of the judgment dated 11.08.2016 whereby 248 bags (124 quintals) of wheat have already been released in the same Confiscation Case o. 02 of 2016 arising out of Bakhtiyarpur P.S. Case No. 493 of 2015, let the 98 bags (49 quintals) of wheat each of 50 Kg. also be released in favour of petitioner no. 1 by the District Magistrate, Saharsa, who happens to be the confiscating authority, within a period of four weeks from the date of receipt/production of a copy of this judgment on furnishing sufficient surety, 5% of which should be in the nature of cash/bank guarantee, to the satisfaction of the confiscation authority and on proper verification of the ownership after keeping sufficient quantity as sample to be exhibited in the case concerned.



6. However the release would be subject to final result of the Confiscation Case No. 02 of 2016 as well as Bakhtiyarpur Police Station Case No. 493 of 2015.
7. The writ petition stands allowed as above.

(Vikash Jain, J)

Md. Ibrarul/Chandran

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	10.01.2018
Transmission Date	N.A.

