

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.1029 of 2016

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Arbind Sao @ Arbind Kumar, S/O Rameshar Sao R/O Village- Etawan,
P.S.- Mohanpur, District- Gaya.

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary Department of Food & Civil Supply, Govt. of Bihar, Patna.
2. The District Magistrate, Gaya.
3. The Senior Superintendent of Police, Gaya.
4. The Block Supply Officer, Mohanpur, Gaya.
5. The Block Development Officer, Mohanpur, Gaya.
6. The S.H.O., Mohanpur Police Station, Gaya.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Amrendra Kumar Sinha No.-1
For the Respondent/s : None

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 09-01-2018 The present writ application has been filed for release of 210 bags of raw rice which was allegedly seized in connection with Barachati (Mohanpur) P.S. Case NO.250 of 2016, District-Gaya under Section 7 of the E.C. Act.

Learned counsel for the petitioner submits that allegation is that bags of 50 kg rice which is used for PDS have been seized on the ground that it was being carried for black-marketing. Learned counsel submits that the seizure was made in the year 2016 and till date he has not been served with any notice regarding initiation of confiscation proceeding, when he approached the learned ACJM, Sherghati for release of the rice by



filing an application, the learned ACJM called for a report from the concerned police station, but till date no report has been submitted by the police. He further submits that the petitioner is ready and willing to abide by the terms and conditions which may be imposed by this Court for release of the rice.

No one appears for the State.

Considering the facts and circumstances particularly the fact that the rice in question is said to have been seized almost one and half years back and over the period it would become useless and not fit for consumption, let the seized rice be released in favour of the petitioner on his furnishing documents of purchase of rice and on furnishing surety bond (not in form of cash or bank guarantee) for the value of the rice in question with two sureties of the like amount to the satisfaction of the court concerned.

At the time of release of the bags of rice, a photograph duly certified and a panchnama shall also be prepared in accordance with law so that it may be used as secondary evidence in course of trial or confiscation proceeding if any. Petitioner undertakes not to challenge the said photograph and panchnama so prepared in his presence at the time of release of rice in question in course of trial or the confiscation proceeding, as the case may be.



The writ application stands disposed of with the above observations and directions.

(Rajeev Ranjan Prasad, J)

Arvind/-

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