

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.891 of 2018**

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Chandan Kumar Son of Basistha Prasad Singh Resident of Panhass, P.S.  
Muffasil, District- Begusarai.

.... .... Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Food and Civil Supply  
Department, Government of Bihar, Patna.
2. The Collector, Begusarai.
3. The Sub Divisional Officer, Begusarai.
4. The Block Supply Officer, Begusarai.

.... .... Respondent/s

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**Appearance:**

For the Petitioner/s : Mr. Pritish Kumar Lal  
For the Respondent/s : Mr. S. Raza Ahmad, AAG-5

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**CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH**  
**ORAL ORDER**

5      10-09-2018                      The present writ petition has been filed for commanding the respondents to pay the sale proceeds of the rice seized from the rice mill of the petitioner, namely, Purnika Enterprises.

The short facts of the case are that 251 quintals of rice was seized from the rice mill of the petitioner herein and a confiscation proceeding was initiated and the Collector, Begusarai in Confiscation Case No. 6 of 2016, by an order dated 05.10.2016, directed for auctioning the rice and depositing the money in the treasury. The said order dated 05.10.2016 was challenged by the petitioner in Criminal Appeal No. 98 of 2016 and the learned District and Sessions Judge, Begusarai by an order dated



20.04.2017 set aside the order of the Collector dated 05.10.2016.

In view of the aforesaid, the learned counsel for the petitioner submits that since as on date there is no order whereby and where under the rice of the petitioner stands forfeited by the respondents, the rice/ its price is required to be give back to the petitioner herein.

The learned counsel for the respondents has submitted that the respondents are contemplating filing of criminal revision against the order dated 20.04.2017, however, the learned counsel for the respondents has not been able to show that any criminal revision has been filed till date.

Having regard to the facts and circumstances of the case, this Court has no option but to direct the respondents to refund the said quantity of 251 quintals of rice or its equivalent money which has been quantified at Rs. 3,42,156/-.

The writ petition is allowed with the aforesaid directions.

**(Mohit Kumar Shah, J)**

S.Sb/-

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