

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.7229 of 2018

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Messrs Famous Traders, through its Proprietor Azad Hussain, Son of Marhum Hasim Miyan, resident of Barka Gaon, Police Station - Mirganj, District - Gopalganj.

.... Petitioner

Versus

1. The State of Bihar, through the Principal Secretary, the Department of Food and Supply, Government of Bihar, Patna.
2. The District Magistrate, Saran.
3. The Sub Divisional Officer, Sadar Chapra, Saran.
4. The District Supply Officer, Saran.
5. The Superintendent of Police, Saran.
6. The Block Supply Officer, Jalalpur, Saran.
7. The Officer In-charge of Kopa Police Station, Kopa, Saran.
8. The Investigating Officer of the Case, Kopa, Saran.

.... Respondents

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Appearance :

For the Petitioner : Mr. Mrityunjay Kr. Tiwary, Advocate

For the Respondents : Mr. Upendra Pratap Singh, AC to SC4

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 10-05-2018

Heard learned counsel fore the petitioner as well as learned counsel for the respondents.

2. The petitioner seeks a direction to the respondents to release 200 quintals of wheat contained in 371 jute bags and 29 plastic bags i.e. total 400 bags and 50 Kg rice contained in one plastic bag seized by Block Supply Officer, Jalalpur, Saran (respondent no. 6) in Kopa P.S. Case No. 161 of 2017 under Section 7 of the Essential Commodities Act and the confiscation proceeding is pending in confiscation Case No. 28 of 2017 before the District Magistrate, Saran.

3. Learned counsel for the petitioner submits that the



goods seized are perishable in nature and are likely to deteriorate by the time the confiscation proceeding being Confiscation Case No. 28 of 2017 pending before the District Magistrate, Saran is concluded. 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.

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

5. Having regard to the nature of prayer of the petitioner, this Court directs that the rice and wheat seized in connection with Kopa P.S. Case No. 161 of 2017 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 District Magistrate, Saran on proper verification of the ownership of the goods. Such release shall be subject to the final result of Kopa P.S. Case No. 161 of 2017 as well as Confiscation Case No. 28 of 2017. It will be open to the District Magistrate, Saran to keep proper



quantity of seized goods as sample for the purpose of exhibits in the case.

6. The writ petition stands disposed of.

(Vikash Jain, J)

B.T/Chandran

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	21.05.2018
Transmission Date	N.A.

