

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1317 of 2018

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M/s Narsingh Hospitality Services, Registered Office - 751, Laskorhat, Togere Park, Kolkata through its Postmen namely Manoj Kumar Son of Shri Deo Narayan Shahu Resident of 751, Laskorpot, Togore Tiljata, Kolkata.

.... Petitioner

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The Principal Secretary, Department of Home, Govt. of Bihar, Patna.
3. The Principal Secretary, Department of Revenue & Land Reforms, Govt. of Bihar, Patna.
4. The District Magistrate, Madhubani.
5. The Superintendent of Police, Madhubani.
6. The Additional Collector, (Land Revenue), Madhubani.
7. The Circle Officer Laukati, Madhubani.
8. The S.H.O. Andhra Math Police Station, Madhubani.
9. The Bihar State Food & Civil Supplies Corporation that its Chairman.
10. The Chairman, Bihar State Food & Civil Supplier Corporation.
11. The Managing Director, Food & Civil Supplier Corporation.

.... Respondents

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Appearance :

For the Petitioner	:	Mr. Md. Aslam Ansari, Advocate.
For the State	:	Mr. Manu Kumar, AC to GP-4
For the B.S.F.C	:	Mrs. Namrata Mishra, Advocate

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 14-05-2018

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

2. This writ application has been filed for the following
reliefs:-

“(i) For issuance of appropriate writ, order or direction directing the respondents to release the goods i.e. Paddy, Rice, wheat etc. of the petitioner on proper identification and securities, which has been confiscated/seized without any proceeding and that too only on the basis of institution of Andhramath P.S. Case No. 133/2017.

(ii) For issuance of an appropriate writ, order or



direction commanding the respondents not to disturb in the smooth functioning of godown which is running under the control of M/s Nursing Hospitality services, under proper and valid orders of Competent authorities. (iii) For any other relief or reliefs of which petitioner is deem entitled in the opinion of this Hon'ble High Court."

3. Learned counsel for the petitioner submits that stock of food grains alleged to have been lifted from the godown of the Bihar State Food and Civil Supplies Corporation in fact was purchased by the petitioner and for which bills are available and enclosed as Annexure-8 series. It is submitted that no order has been passed initiating any confiscation proceeding in that regard.

4. Learned counsel for the petitioner submits 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.

5. Learned counsel for the respondents submits that seizure has been made in connection with the first information report instituted in Andhramath P.S. Case No. 133/2017. At the time of search, the petitioner failed to produce the documents or the bills relating to



the stock of food grains.

6. Having regard to the nature of prayer of the petitioner, this Court directs that the paddy, rice and wheat etc. seized in connection with Andhramath P.S. Case No. 133/2017 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, Madhubani on proper verification of the ownership of the goods. Such release shall be subject to the final result of Andhramath P.S. Case No. 133/2017. It will be open to the District Magistrate, Madhubani to keep proper quantity of seized goods as sample for the purpose of exhibits in the case.

7. The writ petition stands disposed of.

B.T/-

(Vikash Jain, J)

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	19.05.2018
Transmission Date	N.A.

