

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.1706 of 2018

Arising Out of PS. Case No.-33 Year-2018 Thana- PIPRAHI District- Sheohar

Shiv Shankar Sah S/o Bhikhari Sah under the guardianship of Bhikhari Sah,
R/o Vill.- Basahiashekh, Ward No. 2, P.S.- Piprahi, District- Sheohar.

... .. Petitioner/s

Versus

1. The State of Bihar, Through Its Chief Secretary, Government of Bihar, Old Secretariate, Patna.
2. The Principal Secretary, Department of Food & Supply, Government of Bihar, Secretariate, Patna.
3. The District Magistrate, Sheohar.
4. The District Supply Officer, Sheohar.
5. The District Marketing Officer, Sheohar.
6. The Sub Divisional Officer, Sheohar.
7. The Block Supply Officer Piprahi Sheohar.
8. The Superintendent of Police, Sheohar,
9. The District Manager B.S.F.C. Sheohar.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Kumod Kumar Shrivastaw
For the Respondent/s : Mr. S. Raza Ahmad (Aag 5)

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

4 10-10-2018 Heard learned counsel for the petitioner and learned
AAG-5 for the State.

In view of the stand taken by learned AAG-5 that in
absence of any control order with respect to the wheat which
has been seized from possession of the petitioner who is not
even a Public Distribution Shop Dealer and in such case no case
under Section 7 of E. C. Act could have been registered, this
Court directs release of the 160 sacks of wheat total weight of
80 quintals which has been seized by the respondents within a



week from today.

On the last date this Court had also called upon the informant to show cause as to why an appropriate order be not passed against him for exceeding his jurisdiction.

Learned AAG-5 submits that the Officer who had lodged the FIR is no longer at the place in question and for the present this aspect of the matter may be left for consideration in future.

In the aforesaid view of the matter, the first information report bearing Piprahi P. S. Case No. 33 of 2018 dated 28.03.2018 registered under Section 7 of the E.C. Act stands quashed.

Let the wheat be released in favour of the petitioner as indicated hereinabove.

(Rajeev Ranjan Prasad, J)

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