

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.11455 of 2018

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Raj Kumar, Son of Late Suraj Prasad, resident of Chaudhary Tola, P.S.-
Sultanganj, District- Patna, Proprietor of Durga Trading Patna City, Patna.

.... Petitioner

Versus

1. The State of Bihar.
2. Director General of Police, Bihar, Patna.
3. The Senior Superintendent of Police, Patna.
4. The District Magistrate, Patna.
5. The Sub Divisional Officer, Patna City, Patna.
6. The District Supply Officer, Patna.
7. The Marketing Officer, Patna Supply Department, Patna.
8. The Officer Incharge, Alamganj, Police Station, Patna.

.... Respondents

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Appearance :

For the Petitioner : Mr. Shashi Bhushan Kumar, Advocate

For the Respondents : Mr. S.Raza Ahmad -AAG5

Mr. Alok Ranjan, AC to AAG 5

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 26-06-2018

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 126 quintal of wheat kept in total 252 bags seized by
Marketing Officer, Supply Department, Patna (respondent no. 7) in
Alamganj P.S. Case No. 262 of 2018 under Section 7 of the Essential
Commodities Act.

3. Learned counsel for the petitioner submits that the



food grains seized are perishable in nature and are likely to deteriorate by the time a confiscation proceeding is initiated and 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 food grains 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 126 quintal of wheat kept in total 252 bags seized in connection with Alamganj P.S. Case No. 262 of 2018 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 Sub-Divisional Judicial Magistrate, Patna, on proper verification of the ownership of the goods. Such release shall be subject to the final result of Alamganj P.S. Case No. 262 of 2018. It will be open to the Sub-Divisional Judicial



Magistrate, Patna to keep proper quantity of seized food grains 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	01.07.2018
Transmission Date	N.A.

