

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.8686 of 2018

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Radhe Shyam Choudhary @ Babloo Choudhary, S/o Ram Bilash Choudhary
Resident of Village-Jhahura, P.S.-Supaul, District-Supaul.

.... Petitioner/s

Versus

1. The State of Bihar through the Secretary, Food & Civil Supply Department, Old Secretariat, Patna.
2. The Secretary, Food & Civil Supply Department, Old Secretariat, Patna.
3. The District Magistrate-Cum-Collector, Madhepura.
4. The Sub Divisional Officer, Madhepura.
5. The Block Supply Officer, Gamharia, Madhepura.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. D.N.Tiwary, Adv
Mr. Sunil Kumar Singh, Adv
For the Respondent/s : Mr. ARVIND UJJWAL SC4

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 15-05-2018

The petitioner seeks a direction to the respondents to release of 151 hand stitched bags wheat and 38 stitched bags of rice confiscated in connection with Confiscation Case No. 04 of 2017 arising out of Gamhariya P.S. Case No. 06 of 2017 under Section 7 of the Essential Commodities Act.

2. Learned counsel for the petitioner submits that the goods seized, however, are perishable in nature and are likely to deteriorate by the time the confiscation proceeding being Confiscation Case No. 04 of 2017 pending before the District Magistrate, Madhepura 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.

3. Learned counsel for the respondents appears and has been



heard.

4. Having regard to the nature of prayer of the petitioner, this Court directs that the articles seized in connection with Gamhariya P.S. Case No. 06 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, Madhepura on proper verification of the ownership of the goods. Such release shall be subject to the final result of Gamhariya P.S. Case No. 06 of 2017 as well as Confiscation Case No. 04 of 2017. It will be open to the District Magistrate, Madhepura to keep proper quantity of seized goods as sample for the purpose of exhibits in the case.

5. The writ petition stands disposed of.

(Vikash Jain, J)

Chandran/BT

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	22.05.2018
Transmission Date	NA

