

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16974 of 2018

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Subodh Singh @ Subodh Kumar Singh, Son of Sri Gaya Singh, Resident of
Village-Chandai, P.S.-Makhdumpur, District-Jahanabad.

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Food & Civil Supply
Department Bihar.
2. The Collector, Gaya.
3. The Block Supply Officer, Belaganj, Gaya.

.... Respondent/s

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Appearance:

For the Petitioner/s : Mr. Vijay Anand

For the Respondent/s : Mr. Arvind Ujjwal- SC-4

Mr. U.P. Singh, AC to SC-4

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

3 27-09-2018 Despite earlier indulgence granted to the respondents

no counter affidavit has been filed, hence this Court has no option

but to proceed in the matter and pass appropriate orders.

The present writ petition has been filed for release of

127 quintal rice and 102 quintal wheat kept in 254 bags each

containing 50 kg. which were seized by the Block Supply Officer,

Belaganj, Gaya and has given rice to Belaganj P.S. Case No. 124

of 2018, registered under Section 7 of the E.C. Act.

The allegation of the prosecution is that after a raid

was conducted at Annapurna Bhandar Rice Mill, Belaganj, the

aforesaid quantity of rice and wheat kept in the mill premises was

seized.



The learned counsel for the petitioner has submitted that the petitioner is the owner and proprietor of M/s Annapurna Bhandar Rice Mill and he has got a valid licence and GST number. It is further submitted that the aforesaid rice and wheat had been purchased validly by the petitioner herein. Lastly, the learned counsel for the petitioner submits that the aforesaid rice and wheat grains are perishable, hence, the same be released in favour of the petitioner subject to the final order being passed in the confiscation proceedings.

Having considered the facts and circumstances of the case, I deem it fit and proper to direct the Collector, Gaya to release the aforesaid quantity of rice and wheat to the petitioner herein upon proper verification subject to furnishing of adequate security to the satisfaction of the Collector, Gaya pertaining to Confiscation Case No 9 of 2018. It is further directed that the aforesaid release of the rice and wheat would be subject to the confiscation proceedings being Confiscation Case No. 9 of 2018 as also the same would be subject to the criminal proceeding.

The present writ petition is allowed.

(Mohit Kumar Shah, J)

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