

**IN THE HIGH COURT OF JUDICATURE AT PATNA**

**Civil Writ Jurisdiction Case No.11929 of 2018**

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Ranjeet Kumar, S/o Nathuni Sah, resident of Village- Sahori, P.S.- Sarai, District-  
Vaishali at Hajipur.

.... .... Petitioner/s

Versus

1. The State of Bihar, through the Principal Secretary, Food and Consumer Protection Department, Government of Bihar, Patna.
2. The Collector-cum- District Magistrate, Vaishali at Hajipur.
3. The Block Supply Officer, Bhagwanpur, Vaishali.

.... .... Respondent/s

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**Appearance :**

For the Petitioner/s : Mr. Dhananjaya Nath Tiwari

For the Respondent/s : Mr. S.RAZA AHMAD - AAG-5

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**CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL**  
**ORAL JUDGMENT**  
**Date: 27-08-2018**

Heard learned counsel for the petitioner and learned  
counsel appearing on behalf of the State.

Petitioner seeks release of 1181 bags of rice each of 40-  
45 kg i.e. 479 quintals and 85 kg seized in connection with Sarai  
P.S. Case No. 119 of 2018 under Section 7 of the Essential  
Commodities Act.

The facts of the case is that the Block Supply Officer,  
Sarai lodged the FIR being Sarai P.S. Case No. 119 of 2018 on  
seizure of rice which was alleged to be food-grains under the



Government Scheme and was being loaded from the godown of one Jaikishun Sah in front of Aadarsh High School, Sarai for the purpose of black-marketing.

Learned counsel for the petitioner submits that rice and wheat are now freehold commodities since the year 2002 and the truck so seized with the food-grains was neither under the Government Scheme but was being carried to the miller and being a perishable commodity, the same be released in his favour. He submits that during pendency of the criminal case, a confiscation proceedings has also been initiated by the respondent no. 2, the Collector-cum-District Magistrate, Vaishali at Hajipur being Confiscation Case No. 2 of 2018-2019.

Learned counsel for the State appears and is heard.

Having regard to the nature of prayer, this Court directs that the rice seized in connection with Sarai P.S. Case No. 119 of 2018 be released in favour of the petitioner within four weeks from the date of receipt/production of a copy of this order upon furnishing of sufficient sureties to the satisfaction of the Court where the criminal proceedings are pending i.e. learned ACJM-XIII, Vaishali at Hajipur or the Collector, Vaishali at Hajipur where Confiscation Case No. 02 of 2018-19 is pending. Such release will be subject to final result of the criminal proceedings



and confiscation proceedings pending before the respective Courts.

Accordingly, the writ application is allowed.

**(Nilu Agrawal, J)**

Devendra/Priyanka

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| AFR/NAFR          | NAFR       |
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