

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24160 of 2016

Arising Out of PS. Case No.-508 Year-2015 Thana- BAGHA District- West Champaran

Upendra Sah, son of Late Asarfi Sah @ Asarfi Bhagat, resident of Ward No. 26, Gorla Patti, Bagaha-I, P.S. Bagaha and District - West Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar
 2. The District Magistrate cum Collector, West Champaran at Bettiah.
 3. The Block Supply Officer, Bagaha-1, District West Champaran.
 4. The Officer In-Charge, Bagaha, Police Station, Bagaha, West Champaran.
- Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ramesh Kumar Agrawal, Advocate
		Mr. Shiv Kumar, Advocate
For the Opposite Party/s :		Mr. Jharkhandi Upadhyay, APP

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL JUDGMENT

Date : 27-06-2019

Heard learned counsel for the parties.

2. Petitioner is permitted to correct the provision of law, under which this application has been filed, in course of the day.

3. Petitioner is proprietor of M/S Subh Laxmi. From the godown of the petitioner as well as from the truck, parked out side the godown, bearing registration no. BR06G-3077, 15 bags of rice and 294 + 227 bags of wheat were seized by the Block Supply Officer, Bagaha and on the statement of the Block Supply Officer, Bagaha, Bagaha P.S. Case No. 508 of 2015 was registered under Section 7 of the Essential Commodities Act.



4. In this application, under Section 482 Cr.P.C., prayer is for release of 15 bags of rice as well as 294 + 227 bags of wheat each containing 50 Kg. Further prayer is for quashing the order dated 08.03.2016 passed by the learned Additional Chief Judicial Magistrate, Bagaha in the aforesaid police case whereby the learned Magistrate refused to release the truck and the grains due to pendency of confiscation proceeding before the Collector, Bagaha. The seized truck has already been released on 02.08.2018 by the learned court below.

5. A supplementary affidavit has been filed on behalf of the petitioner stating therein that godown of the petitioner was also sealed by the authorities and the same is still under seal. The continuance of seal is not going to serve any purpose, rather is causing harassment to the petitioner as the petitioner is paying rent for the same. Hence, prayer has been made for direction to the authorities to unseal the godown.

6. Since the grains were seized in the year 2015, the authorities must have disposed of the same as the same was perishable item. If they have not disposed of as yet, they may dispose of the same and proceeds be deposited in the government account till adjudication of the charge.



7. Since no purpose is going to be served by continued sealing of the godown which is admittedly of the petitioner and he is being burdened with recurring loss by payment of rent of the said godown, the authorities are directed to immediately unseal the same and hand over possession of the dogown to the petitioner.

8. With the aforesaid observation, this application stands disposed of.

(Birendra Kumar, J)

Kundan/-

AFR/NAFR	N.A.
CAV DATE	N.A.
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