

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18292 of 2019

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Karu Saw S/o Dashrath Saw, Resident of Village Desin Bigha, P.O. Rasalpur,
P.S. Chandauti, Dist.Gaya

... .. Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Food and Civil Supplies Department, Govt. of Bihar, Patna.
2. The District Magistrate, Gaya
3. The Sub Divisional Officer, Sadar, Gaya
4. The District Supply Officer, Gaya
5. The Block Supply Officer, Nagar Prakhand, Gaya
6. The Station House Officer, Chandauti Police Station, Dist.Gaya

... .. Respondents

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Appearance :

For the Petitioner/s : Mr.Manish Kumar No2, Advocate
For the Respondent/s : Mr.Alok Ranjan, AC to AAG-5

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 23-10-2019 Petitioner in the present case is seeking release of total 205 quintals of rice which has been seized in connection with Chandauti P.S. Case No. 173 of 2019 registered against the petitioner under Section 7 of Essential Commodities Act, 1955.

Learned counsel for the petitioner admits that a confiscation proceeding has already been initiated in the matter and the same is pending consideration before the District Magistrate, Gaya (Respondent No. 2).

Learned counsel for the State submits that since a confiscation proceeding is pending before the respondent no. 2, the remedy of the petitioner lies before the Confiscating Officer



where he can file an appropriate application for release of the rice.

In the given facts and circumstances of the case, learned counsel for the petitioner submits that he may be granted liberty to file an appropriate application before the respondent no. 2 within a period of 30 days from today and in case such an application is filed the respondent no. 2 be directed to pass an appropriate order thereon within a stipulated period.

In the given facts and circumstances of the case, this writ application is being disposed of with liberty to file an appropriate application for release of the rice in question within a period of 30 days from today and in case if such an application is preferred before the respondent no. 2, the respondent no. 2 shall consider and dispose off the same within a period of next 30 days from the date of submission of the application. While considering the application for release of rice the respondent no. 2 shall keep in mind the judicial orders of this Court passed in several cases in similar circumstance.

(Rajeev Ranjan Prasad, J)

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