

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18203 of 2018

=====

Santosh Kumar, son of Rajeshwar Choudhary, resident of village - Tepari, P.S.
- Pear, District - Muzaffarpur.

... .. Petitioner/s

Versus

1. The State Of Bihar through the Principal Secretary, Food and Consumer Protection Department, Government of Bihar at Patna.
2. The Principal Secretary, Food and Consumer Protection Department, Government of Bihar, Patna.
3. The Collector-cum-District Magistrate, Muzaffarpur.
4. The Addl. Collector, Muzaffarpur.
5. The Sub-Divisional Officer, Muzaffarpur.
6. The Block Supply Officer-cum-Block Development Officer, Badra, Muzaffarpur.
7. The Officer-in-Charge, Piar Police Station, Muzaffarpur.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s : Ms. Preety Kunwar, Adv.
For the Respondent/s : Mr. Anisul Haque, AC to AAG-5

=====

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

3 22-04-2019 Heard learned counsel for the petitioner and learned
counsel representing the State.

Petitioner, in the present case, is seeking release of 80 bags of rice which were seized when those were found loaded on a Tata 407 Truck. The Block Development Officer-cum-Block Supply Officer, Bandra, Muzaffarpur had seized the truck on 14.07.2015 and one FIR was registered giving rise to Piar (Hatha) P.S. Case No.67 of 2015 for the offence alleged under Section 7 of the E.C. Act.



Learned counsel for the petitioner submits that the petitioner is a proprietor of M/S Shanti Traders, Muzaffarpur and is engaged in trade of free sale foodgrains such as wheat and rice. He is also running his own shop in the ground floor of his own market and is holder of sales tax number etc. Learned counsel submits that the rice is not a controlled item as no licence is required for storage of rice. It is submitted that the petitioner had purchased the rice from M/S Jai Mata Di Traders and when the vehicle was in the way, loaded with rice the same was seized on mere suspicion that it was carrying the rice illegally.

Learned counsel for the petitioner submits that although a confiscation proceeding has been initiated in the matter, but till date it has not been decided.

A counter affidavit has been filed by the Block Supply Officer, Bandra, Muzaffarpur who has disclosed that a proposal for confiscation of seized rice and the truck was sent to the Collector, Muzaffarpur vide letter no.944/supply dated 13.09.2018. It is further stated that after passing the order in the confiscation case by the Collector, Muzaffarpur any decision may be taken on the seized rice and truck.

After having heard learned counsel for the parties and



on perusal of the records, this Court finds no reason stated in the counter affidavit to show as to why the rice be not released in favour of the petitioner on his furnishing adequate security. It is worth taking note of the fact that the rice was seized in the year 2015, but the proposal for confiscation has been sent after about three years, the reasons for the same are to be found by the Collector for taking an appropriate action in the matter. So far as the release of rice is concerned, since the confiscation proceeding is still pending, following the lines of the decision of the Hon'ble Division Bench of this Court as well as of this Court, it is deemed just and proper to direct the Collector, Muzaffarpur to release the rice in question in favour of the petitioner on the petitioner furnishing adequate surety to the satisfaction of the Collector-cum-District Magistrate, Muzaffarpur (respondent no.3). The release shall be ordered within a period of seven days from the date of submission of the surety bonds.

The writ application stands disposed off accordingly.

(Rajeev Ranjan Prasad, J)

arvind/-

U			
---	--	--	--

