

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.3134 of 2018

Arising Out of PS. Case No.-76 Year-2018 Thana- MALAYPUR District- Jamui

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M/s Sree Ram Rice Mill through its proprietor Ajay Kumar Sah, Son of Nand Kishore Prasad Sah, Resident of Village- Maheshpur, Gulabi Bagh Lane, Aliganj, Mirjan Hat, P.S.- Jagdishpur, District- Bhagalpur.

... .. Petitioner

Versus

1. The State of Bihar
2. The District Magistrate, Jamui.
3. The Block Supply Officer, Barhat, District-Jamui.
4. The Block Development Officer, Sono, District- Jamui.
5. The Superintendent of Police, Jamui.
6. The Deputy Superintendent of Police (Town), Jamui.
7. The Station House Officer, Malaypur Police Station, District- Jamui.

... .. Respondents

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Appearance :

For the Petitioner : Mr. Satya Prakash Parasar, Advocate
For the Respondents-State: Mr. S. Raza Ahmad, AAG-5

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL ORDER

2 03-07-2019 It is submitted by the learned counsel for the petitioner that during pendency of the application a confiscation proceeding in respect of the rice seized in connection with Malaypur P.S. Case No.76 of 2018 registered inter alia under Section 7 of the Essential Commodities Act, 1955 (for short 'EC Act) has already been initiated.

Section 3 of the EC Act provides for the forfeiture of the essential commodity to the government and for the forfeiture of any animal, vehicle or other conveyance used in carrying the



said essential commodity, if the court so orders.

Section 7 of the EC Act prescribes the penalty for the contravention of any order made under Section 3 of the Act.

Once essential commodities are seized for the alleged violation of the provisions of the EC Act and the confiscation proceeding is pending before the Collector, it would not be proper for this Court to directly entertain an application for release of the property in question under Article 226 of the Constitution of India.

Accordingly, the writ petition is disposed of with liberty to the petitioner to move application for release of the seized property before the Collector and if such application is filed, the Collector shall decide the same in accordance with law.

(Ashwani Kumar Singh, J.)

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