

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7633 of 2020

Shiv Shankar Yadav Son of Sahatu Yadav, R/o Vill-Dhanadih (Ekma Jogia),
P.S. Rasulpur, Distt-Saran at Chapra.

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Food and Consumer Protection Department, Govt. of Bihar, Patna.
2. The Secretary, Food and Consumer Protection Department, Govt. of Bihar.
3. The District Magistrate cum Collector, Saran at Chapra.
4. The Block Supply Officer Jalalpur, Saran at Chapra.
5. The Circle Officer Jalalpur, Saran at Chapra.
6. The Station House Officer, Police Station Koppa, Saran at Chapra.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Tej Pratap Singh, Advocate
For the State : Mr.Arvind Ujjwal, SC 4

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date : 23-09-2020

Heard learned counsel for the petitioner and learned counsel for the State through video conference. Learned counsel for the petitioner undertakes that all defects pointed out by the stamp reporter shall be removed, and compliance with the conditions of the notices of this Court with regard to acceptance of e-filing shall be made, without delay immediately upon resumption of physical functioning of the Court, and in any event within one month thereof. Learned counsel for the State states that he has no objection in this regard and the matter be taken up on merits in view of the stated urgency.



2. The following reliefs as formulated by the petitioner have been claimed in the writ petition--

“(I) For passing a writ in nature of mandamus or any other writ direction commanding the respondents to release and hand over possession of the vehicle UP52F3196 (Truck full body) seized in connection with KOPA PS Case no. 69 of 2020 for the offences punishable under sections 188/420 of the Indian Penal Code and section 7 of the Essential Commodity Act.

(ii) For passing a writ in nature of mandamus or any other writ direction commanding the respondents to release and hand over possession of 80 bags rice which has been seized in connection with KOPA PS Case no. 69/2020 for the aforesaid offence.”

3. At the very outset, this Court takes note of the statement made in paragraph 15 of the writ petition that Confiscation Case No. 07/2020 relating to the vehicle has been initiated.

4. Having heard the parties, this Court is not inclined to interfere in the matter at this stage, moreso in view of the



provisions of Section 6E of the E.C. Act in terms of which the Collector has exclusive jurisdiction in the matter of “possession, delivery, disposal, release or distribution” of essential commodities which are subject-matter of confiscation proceeding.

5. The writ petition is accordingly disposed of, granting liberty to the petitioner to approach the Collector with an appropriate petition for release of his vehicle. If any such petition is filed within a period of two weeks from today, the same shall be disposed of within a further period of two weeks thereafter on its own merits in accordance with law after grant of an opportunity of hearing to the petitioner.

6. It is also made clear that in view of the ongoing Covid-19 pandemic, any correspondence between the parties may be made through e-mail and that the petitioner shall be at liberty to request the concerned authority for hearing through video conference. For this purpose, the petitioner shall furnish his mobile number and e-mail ID to the concerned authority in the petition permitted to be filed as aforesaid.

7. Office shall follow-up to ensure that all defects are removed and compliance with the notices of this Court are made by the petitioner within the stipulated time provided in para 1



hereinabove, failing which the matter shall be brought to the notice of this Court.

(Vikash Jain, J)

HR/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	24.09.2020
Transmission Date	N/A

