

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.113 of 2020

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Laxmi Arwa Rice Mill and Galla Bhandar Sono, Jamui through its proprietor
Randhir Kumar Barnwal, aged 50 years (Male), Son of Trishul Modi,
Resident of Village and P.S.- Sono, District- Jamui.

... .. Petitioner/s

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.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Satya Prakash Parasar
For the Respondent/s	:	Mr.Arbind Ujjwal (SC-4)
		Mr. Maruth Nath Roy, A.C. to SC-4

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 14-02-2020 The present writ petition has been filed seeking the
following reliefs:-

*“(i) For issuance of writ in the nature of
mandamus commanding and directing the
respondents authority to release the rice
forthwith in favour of the petitioner which
has been seized in connection with
Confiscation Case No. 5/2018 arising out of
Malaypur P.S. Case No. 74/2018 which was
instituted for the offences punishable under
Sections 379/411 of the Indian Penal Code
and Section 7(i) of the Essential*



Commodities Act as the respondents authority has arbitrarily seized the legally acquired and being transported Arwa rice to another businessmen situated at Haryana.

(ii) For further direction to the respondents authority to take legal action against the respondents and hold him responsible for violation of fundamental rights of the petitioner enshrined in Article 19(i)(g) of the Constitution of India.

(iii) For further direction to hold that the alleged food-grains seized in the present case is decontrol commodity and the petitioner is bonafide owner of the same.”

The learned counsel for the petitioner has submitted that the rice is not a controlled item and moreover the petitioner is not a public distribution shop owner, hence dealing in such kind of rice does not lead to the conclusion that the petitioner was engaging in unauthorized business activities or was black marketing the rice, hence, the confiscation authority is required to release the rice for which the petitioner is ready to furnish appropriate security.

Per contra, the learned counsel for the State has submitted that a Confiscation Case No. 5 of 2018 is pending before the learned Collector, Jamui and he is the competent authority to release the rice in question.



Having regard to the facts and circumstances of this case, I deem it fit and appropriate to grant liberty to the petitioner to file appropriate application before the learned Collector, Jamui in the aforesaid on going confiscation proceeding for release of the rice whereupon the learned Collector, Jamui shall pass appropriate orders, in accordance with law, within a period of four weeks of filing of such application by the petitioner and in case no order is passed within a period of four weeks as aforesaid, the rice would be deemed to have been released automatically and the petitioner would be entitled to receive the same upon furnishing adequate security to the satisfaction of the learned Collector, Jamui.

The writ petition stands disposed off on the aforesaid terms.

(Mohit Kumar Shah, J)

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