

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5844 of 2020

M/s Piyush Traders through its Proprietor Rajesh Kumar Gupta @ Rajesh Kumar (male) aged about 39 years, son of Madan Prasad Gupta, Gyani Chowk, Khagaria, Resident of Daan Nagar, Ward No. 3, Khagaria, P.S. and District Khagaria.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Food and Civil Supplies Department, Government of Bihar, Patna.
2. The District Magistrate, Khagaria.
3. The Block Supply Officer, Sadar, Khagaria, District-Khagaria.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Ajay Prasad
For the Respondent/s : Mr.Arvind Ujjwal (Sc4)

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

3 10-02-2021 The present writ petition has been filed seeking
following reliefs :-

(i) For quashing the seizure list dated 08.01.2020 whereas the respondent Block Supply Officer, Sadar, Khagaria, District-Khagaria seized rice of the petitioner firm 415 bags total 249 quintal and 70 kilogram which has been seized in Khagaria PS case no. 30 of 2020 dated 08.01.2020 under Section 188 IPC and Section 7 of E.C. Act along with the loaded vehicle Leyland 3118 Truck Vehicle Registration no.- JK21C-4707 bearing Chassis no. MB1KADYD8FPSR5412, Engine no. FSPZ141739, Model 2016 hypothecated and financed by IndusInd Bank, Jammu.

(ii) For a further direction that the seized arwa rice containing in 415 bags total 249 quintal and 70 kg which has been seized in



Khagaria PS case no. 30 of 2020 dated 08.01.2020 under Section 188 IPC and Section 7 of E.C. Act be released to the petitioner forthwith.

At the outset, the learned counsel for the respondent-State has submitted that the confiscation proceedings have already commenced, hence the petitioner would be well advised to approach the competent authority for release of the rice in question.

On the contrary, the learned counsel for the petitioner has submitted that rice is not a controlled item and moreover, the petitioner is not a public distribution shop owner, hence dealing in any 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 submits that he has got no objection, in case the petitioner approaches the District Magistrate-cum-Collector, Khagaria for release of 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, Khagaria in the aforesaid on-going confiscation proceeding for release of the rice, whereupon the learned Collector, Khagaria 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, Khagaria.

The writ petition stands disposed off on the aforesaid terms.

(Mohit Kumar Shah, J)

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