

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12105 of 2019

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Surya Prakash S/o Manoj Kumar Sudhir Resident of Village- Rampur, P.S.-
Murliganj, District- Madhepura.

... .. Petitioner/s

Versus

1. The State of Bihar through the Secretary, Food and Consumer Protection Department, Bihar, Patna.
2. The District Magistrate, Madhepura.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Sanjay Kumar Singh, Adv.
For the Respondent/s : Mr.Upendra Pratap Singh, AC to SC-4

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 29-04-2021 The present petition has been taken up for consideration through the mode of Video conferencing in view of the prevailing situation on account of COVID 19 Pandemic, requiring social distancing.

The present writ petition has been filed for quashing the order dated 12.10.2018 passed under Section 6A of the Essential Commodities Act by the learned Collector, Madhepura in Confiscation Case No. 35 of 2018 whereby and whereunder the pickup van of the petitioner bearing registration no. BR-01GC-5502 has been confiscated in violation of the provisions as contained in the



Essential Commodities Act.

At the outset, the learned counsel for the petitioner has submitted that even if the order of confiscation dated 12.10.2018 is not interfered with by this Court, then also the pickup van of the petitioner is liable to be released in terms of second proviso to Section 6A(1) of the Essential Commodities Act, 1955, after paying the price of the confiscated article i.e. the price of 15 bags of rice each containing 50 kgs. of rice.

At this juncture, it would be relevant to quote hereinbelow Section 6A of the Essential Commodities Act, 1955:-

“6A. Confiscation of foodgrains, edible oil seeds and edible oils-
(1) Where any essential commodity is seized in pursuance of an order made under section 3 in relation thereto a report of such seizure shall, without unreasonable delay, be made to the Collector of the district or the presidency town in which such essential commodity is seized and whether or not a prosecution is instituted for the



contravention of such order, the Collector, may, if he thinks it expedient so to do, direct the essential commodity so seized to be produced for inspection before him, and if he is satisfied that there has been a contravention of the order.

Provided

Provided further that in the case of an animal, vehicle, vessel, or other conveyance used for the carriage of goods or passengers for hire, the owner of such animal, vehicle, vessel or other conveyance shall be given an option to pay, in lieu of its confiscation a fine not exceeding the market price at the date of seizure of the essential commodity sought to be carried by such animal, vehicle, vessel or other conveyances.”

The learned counsel for the State, Sri Upendra Pratap Singh (AC to SC-4), has got no quarrel with regard to purport of the afore-said provisions contained under Section 6A of the Essential Commodities Act, 1955.

Having regard to the facts and circumstances



of the case as also considering the submissions advanced by the learned counsel for the parties, I deem it fit and proper to dispose of the present writ petition in terms of second proviso to Section 6A(1) of the Essential Commodities Act and accordingly, it is directed that upon the petitioner depositing the price of the seized 750 kgs. of rice, which is to be determined in terms of Section 6C(2) of the Essential Commodities Act, 1955 and which determination shall be done by the Collector, Madhepura, the aforementioned vehicle of the petitioner shall be released free from all encumbrances upon proper identification. It is further directed that appropriate orders be passed by the learned Collector, Madhepura, within a period of four weeks from today.

The writ petition stands disposed of on the aforesaid terms.

(Mohit Kumar Shah, J)

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