

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.21891 of 2019

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1. Gayatri Devi W/o Late Lalan Pandey Resident of Village- Girdhar Parsa, P.s.- Gopalganj, Distt.- Gopalganj, Pin-841425
 2. Suresh Prasad S/o Buneli Sah Resident of Village- Hussepur, P.s.- Gopalganj, Distt.- Gopalganj,

... .. Petitioner/s

Versus

1. The State of Bihar through the principal Secretary, Department of Food and Civil Supplies, Govt. of Bihar, patna
2. The District Magistrate Gopalganj
3. The Superintendent of Police Gopalganj
4. The Sub Divisional Officer Gopalganj
5. The S.H.O. Phulwaria (Sripur O.P.), Gopalganj

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Lokesh Kumar Singh, Advocate
For the Respondent/s : Mr.Arvind Ujjwal (Sc4)

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

2 07-04-2021 Heard learned counsel for the parties.

The petitioner No. 1 claims that she is owner of the rice which has been seized in the present proceeding whereas, the petitioner no. 2 is the owner of the vehicle carrying rice seized in connection with Phulwaria P.S. Case No. 275 of 2018.

Learned counsel for the petitioners submits that FIR was lodged on 6.12.2018 and no confiscation proceeding has been initiated against the petitioners, yet the respondents have not released the rice which is perishable one and the respondents were under obligation to release the rice on appropriate security



to be furnished by petitioner no. 1. Similarly, the vehicle carrying the rice is to be released in favour of petitioner no.2.

Considering the aforesaid stand, the writ petition is disposed of with direction to the District Magistrate, Gopalganj to pass appropriate order on the representation of the petitioners along with a copy of this order for release of the rice and the vehicle on appropriate security, if no confiscation proceeding is initiated against the petitioners as yet. Necessary decision in this regard must be taken by the respondents within a period of sixty days from the date of filing representation along with a copy of this order.

(Anil Kumar Upadhyay, J)

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