

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16010 of 2021

Vijay KUMar Choudhary, Son of Nirdhan Prasad Choudhary, Resident of
Village-Kabadpur, P.S. Suryagadha, District-Lakhisarai.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary Agriculture Department
Government of Bihar Patna.
2. The District Magistrate, Lakhisarai.
3. The Superintendent of Police, Lakhisarai
4. The District agriculture Officer Lakhisarai.
5. The Block agriculture officer Suryagadha.
6. The S.H.O. Surajgaraha.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Binay Kumar, Advocate
For the Respondent/s	:	Mr.Dhurjati Kumar Prasad (Gp14)

CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE S. KUMAR

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE S. KUMAR)

**(The proceedings of the Court are being conducted through
Video Conferencing and the Advocates joined the proceedings
through Video Conferencing from their residence.)**

Date : 21-01-2022

Heard learned counsel for the parties.

Petitioner has prayed for following relief:-

- i. For Setting aside the order dated 22.02.2021 passed by district magistrate Lakhisarai by which he has ordered the confiscation of the fertilizers, insecticides and seeds in connection with Suryagdha P.S Case No-299/2020 dated 17/12/2020 for offence u/s- 7(i)(a)(ii) Fertilizer control rules 1985 , 3(i) Seed Control rules 1983, 29(v) insecticide Act 1968.
- ii. For release of following fertilizers & articles i.)IFFCO- 13 Bag , ii.) Kisan urea 13 Bag , iii.)Cypenmethon(Cobra), iv)Oswal wheat seed about 20 Kg , v) Urea Ifko (open bag), vi) Ifko Urea open bag 10kg , vii)Paras DAP Open bag 12 kg ,viii)Paras DAP one bag, ix)MOP open bag about 8 kg,

x)Urja Jime- 70 X 10 Kg (Balti),
xi)Nagaarjun Jime 90 X 10 kg
(Balti), xii)Ifko urea Dendar
about 150 bag, Xiii)Kishan Urea 8
bag Xiv)Paras Mop-50 X 50 bag.
All these articles belongs to
petitioner and seized in in
connection with Suryagdha P.S Case
No-299/2020 dated 17/12/2020 for
offence u/s- 7(i)(a)(ii)
Fertilizer control rules 1985 ,
3(i) Seed Control rules 1983,
29(v) insecticide Act 1968.

iii. For stay of the order dated
22.02.2021 passed by district
magistrate Lakhisarai by which he
has ordered the confiscation of
the fertilizers, insecticides and
seeds which belongs to the
petitioner.

iv. For issuance of any other order or orders which your Lordships may deem fit and proper in the facts and circumstances of the case.

Petitioner has approached this Court without exhausting the statutory remedy of appeal against the impugned order, as such, petitioner is granted liberty to avail the remedy of appeal against the confiscation order passed by the Confiscating Authority- cum- District Magistrate, Lakhisarai before the Appellate Authority and if any such appeal is filed within 4 weeks then appellate authority shall condone the delay in filing the appeal and shall decide the appeal on its own merit preferably within 8 weeks from the date of its filing.

(Sanjay Karol, CJ)

(S. Kumar, J)

Sanjay/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	25.01.2022
Transmission Date	NA