

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.550 of 2022

Arising Out of PS. Case No.-9 Year-2021 Thana- GRIYAK District- Nalanda

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Pramod Kumar Son Of Sita Sao Resident Of Village - Giriyak Bazar, Distt.-
Nalanda.

... .. Petitioner/s

Versus

1. The State Of Bihar.
2. The Distt. Magistrate-Cum-Collector, Nalanda att Biharsharif.
3. The Circle Officer-Cum-Block Supply Officer (BSO), Giriyak Distt.-
Nalanda.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Kaushal Kumar, Adv.
	:	Mr. Ajay Prasad, Adv.
For the Respondent/s	:	Mr. Md. Nadim Seraj, Adv.

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

5 18-04-2023 Heard learned counsel for the petitioner and learned
counsel for the State.

Counsel for the petitioner submits that the present Cr.
Writ petition has been filed for releasing of 331 bags of rice and
134 bags of wheat, which is in custody of the Collector,
Nalanda, who has seized it without any authority of law because
as per the Government's notification rice and wheat are now
exempted from the control orders.

Counsel for the petitioner submits that vide order
dated 28.11.2022, a protection order has been passed in favour
of petitioner and against respondent no. 3, by which auction sale

of the seeds, wheat and rice shall not be made and will be kept under stored at adequate place at the cost of the petitioner.

Counsel for the petitioner further submits that counter affidavit has come in paragraph-17 in which it has been stated that the petitioner should have raised this matter before competent authority, Collector, Nalanda in confiscation proceeding no. 01 of 2021 in which petitioner has been appeared.

Counsel for the petitioner submits that seeks permission from this Court that liberty may be granted to petitioner in which move before Collector, Nalanda in Confiscation proceeding no. 01 of 2021 and direction may be given to the Collector, Nalanda to pass appropriate order within a fix span of time.

Counsel for the State submits that has no objection on the same.

In the present facts and circumstances, the present Cr. Writ application is hereby disposed off, with a direction to the petitioner to move before the Collector, Nalanda in Confiscation proceeding no. 01 of 2021 and Collector, Nalanda is directed to pass order considering the notification of the Government of India that wheat and rice became not part of control order.

Petitioner has been directed to produce the said notification before the Collector and the Collector shall pass order considering the said notification within a period of 6 weeks from the date of filing the representation and till passing the final order shall be continued.

With the aforesaid direction, this Cr. Writ application is hereby disposed off.

(Dr. Anshuman, J.)

Ashishsingh/-

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