

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10162 of 2019

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Manoj Kumar, Son of Shyamdeo Prasad, Resident of Village- Jamunanagar,
P.S. - Bihta, District- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through the Secretary, Food and Consumer Protection Department, Government of Bihar, Patna.
2. The Collector, Patna.
3. The Block Supply Officer, Bihta, Patna

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. N.K. Agrawal, Senior Advocate. Mr. Dhananjaya Nath Tiwari, Advocate. Mr. Kumar Rajdeep, Advocate. Ms. Diksha Kumari, Advocate.
For the Respondent/s	:	Mr. Arvind Ujjwal, SC-4.

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CORAM: HONOURABLE MR. JUSTICE A. ABHISHEK REDDY
ORAL ORDER

2 15-12-2023 Heard learned counsel for the parties.

2. The present Writ Petition has been filled for the following reliefs:-

“.....for issuance of a writ in the nature of mandamus commanding the respondents and/or direction to release 56 empty LPG Gas Cylinders and 6 filled-up gas cylinders in Confiscation Case No. 21 of 2018-2019 arising out of Bihta P.S. Case No. 608 of 2018 under section 7 of the E.C. Act and 420 of the I.P.C. seized by Block Supply Officer, Bihta in favour of the petitioner to the satisfaction of Learned Collector, Patna on such term/s as this Hon’ble Court deem fit and proper subject to result of criminal case and confiscation case.”

3. Learned counsel appearing on behalf of the petitioner has stated that under similar circumstances, this Court



in CWJC No. 697 of 2022 dated 07.07.2022 and CWJC No. 7145 of 2023 dated 22.06.2023 has directed the concerned District Magistrate to release the food grains and also the vehicle that was seized from the petitioner therein. Learned counsel for the petitioner has stated that due to the seizure the supply chain is severely effected and that the petitioner is similarly situated and ready to furnish adequate security/surety for the purpose of release of LPG Gas Cylinders as per the direction of the District Magistrate, Patna. Further, it is submitted that the confiscation proceedings are in the nature of civil proceedings and it is ultimately the sale proceeds of the confiscated property that will go into the account of the State and the petitioner is ready and willing to provide adequate securities/sureties. Therefore, the District Magistrate, Patna may be directed to release the LPG Gas Cylinders in favor of the petitioner, subject to any other condition that may be imposed.

4. Learned counsel appearing on behalf of the respondents has stated that the present Writ Petition is not maintainable as the petitioner has being served notice and he may file a suitable reply to the same. However, it is further stated that as the petitioner is ready to provide adequate securities/sureties and to abide by the reasonable terms and



conditions that may be imposed by the District Magistrate, Patna, he has no objection if this Hon'ble Court directs the District Magistrate, Patna to release the LPG Gas Cylinders in favor of the petitioner subject to the petitioner providing adequate securities/sureties to the extent of the value of the LPG Gas Cylinders and also subject to the petitioner abiding by other terms and conditions that may be imposed by the District Magistrate, Patna.

5. Having regard to the above facts and circumstances of the case and also the judgments of this Hon'ble Court referred above, this Court directs the District Magistrate, Patna to release the LPG Gas Cylinders seized from the petitioner in connection with Confiscation Case No. 21 of 2018-2019 arising out of Bihta P.S. Case No. 608 of 2018, which are subject matter of the present writ petition, subject to the condition that the petitioner shall make available adequate and sufficient securities/sureties (not in cash or bank guarantee) to the satisfaction of the District Magistrate, Patna to the extent of the value of the LPG Gas Cylinders which may be assessed and that the petitioner undertakes to abide by any other condition that may be imposed for the purpose of future proceedings by the District Magistrate, Patna.



6. Learned counsel for the petitioner undertakes on instruction from the petitioner that if the LPG Gas Cylinders are released in his favor, in course of trial he will not raise any question with respect to the seizure of the LPG Gas Cylinders and no identification, issue shall be raised in course of trial. Further, he will not claim any benefit out of this order in the pending proceedings and pursuant to the release of the LPG Gas Cylinders in his favor.

7. Let the District Magistrate, Patna pass an appropriate order after valuation of the LPG Gas Cylinders and other conditions to which the petitioner would be required to abide by. Such orders be passed within two weeks from the date of receipt/communication of this order.

8. With the above directions, the present Writ Petition is **allowed** to the extent indicated above.

(A. Abhishek Reddy , J)

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