

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9861 of 2023

Sanjay Kumar Keshri @ Sanjay Keshri, Son of Radhika Prasad Keshari,
Resident of Mohalla - Ambedkar Chowk, P.S.- Haweli Kharagpur, District-
Munger.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Agriculture, Government of Bihar, Patna.
2. The District Agriculture Officer, Munger.
3. The Sub - Divisional Officer, Haweli Kharagpur, District- Muger.
4. The Block Agriculture Officer cum The Fertilizer Inspector, Haweli Kharagpur, District- Muger.
5. The Agriculture Coordinator, Haweli Kharagpur, District- Muger.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Ram Sevak Choudhary, Advocate
For the Respondent/s : Mr.Dhurjati Kumar Prasad (GP 14)

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

Date : 27-09-2023

I. A. No. 01 of 2023

For the reasons stated in the Interlocutory
Application, the same is, accordingly, allowed.

2. The present writ petition has been filed for the
following reliefs:-

"I. For issuance of an appropriate writ commanding the Respondents to unlock the fertilizer godown of the petitioner contains 954 bags of different fertilizer.

II. For issuance of appropriate writ commanding the respondents to allow the petitioner to sell the fertilizer to the Agriculturist/Farmer whose agriculture is going on.

iii. For further issuance of any other relief/



reliefs for which the petitioner is entitled under the law as well as on facts."

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 that were seized from the petitioner therein. Learned counsel for the petitioner has stated that the petitioner is similarly situated and he is ready to furnish adequate security/surety for the said purpose to unlock the godown of the petitioner containing 954 bags of fertilizer and to release the seized fertilizers as per the direction of the Collector, Munger. Further, it is submitted that the confiscation proceedings are in the nature of civil proceedings and it is ultimately the sale proceedings of the confiscated property that will go into the account of the State and that the petitioner is ready and willing to provide adequate securities/sureties and therefore, the Collector, Munger may be directed to unseal the godown and to release the fertilizer in his favour subject to any other condition that may be imposed upon.

4. Learned counsel appearing on behalf of the respondents has 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 Collector, Munger, he has no objection if this Court directs the Collector, Munger to unseal the godown and release the fertilizer in favor of the petitioner subject to providing adequate securities/sureties to the extent value of the fertilizer and also subject to the petitioner abiding by other terms and conditions that may be imposed by the Collector, Munger.

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 Collector, Munger to unseal the godown and release the fertilizer of the petitioner seized in connection with Haveli Kharagpur P.S. Case No. 613 of 2022, 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 Collector, Munger to the extent of the value of the fertilizer 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 Collector, Munger.

6. Learned counsel for the petitioner undertakes on instruction from the petitioner that if the fertilizers are released



in his favor, in course of trial he will not raise any question with respect to the seizure of the fertilizer and no identification issue shall be raised in course of trial. Further, the photographs of the bags containing the fertilizer which may be exhibited in course of trial and the samples of the seized fertilizer if obtained in accordance with law shall not be questioned by the petitioner and he will not claim any benefit out of this order in the pending proceedings and pursuant to the release of the fertilizer in his favor.

7. Let the Collector, Munger pass an appropriate order after valuation of the fertilizer 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 reasons, the present writ petition stand disposed off.

(A. Abhishek Reddy , J)

Bhardwaj/-

AFR/NAFR	
CAV DATE	
Uploading Date	05.10.2023
Transmission Date	

