

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1457 of 2023

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Gulam Haidar @ Pappu Son of Badre Alam Resident of Village Khutna, P.O.-
Madhoban, P.S.- Kutna, District- Madhubani.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Food and Consumer Protection Department, Government of Bihar, Patna.
2. The Collector-cum-District Magistrate, Madhepura.
3. The Sub Divisional Officer, Udakishunganj, Madhepura.
4. The Block Supply Officer, Block Udakishunganj, Madhepura.
5. The SHO, Udakishunganj, Madhepura.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. N.K. Agrawal, Sr. Advocate Mr. Kumar Rajdeep, Advocate Mr. Arvind Kumar, Advocate
For the Respondent/s	:	Mr. Arvind Ujjwal, SC-4 Mr. U.P. Singh, AC to SC-4

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**CORAM: HONOURABLE MR. JUSTICE SANJEEV PRAKASH
SHARMA**

ORAL ORDER

2 23-03-2023 Learned counsel for the petitioner submits that the petitioner's truck has been seized on wrongful premise and goods, which the truck was carrying, does not fall within the ambit of the Essential Commodities Act, 1955 (herein after referred to as 'the Act'). It is further submitted that confiscation proceedings have been initiated by the Collector, resultantly, in view of the specific bar as contained under Section 6(A) of the Act, he is prevented from moving an application under Section 457 of the Cr. P.C.

However, learned counsel for the petitioner prays to



withdraw the present writ petition with liberty to the petitioner to move an appropriate application before the concerned Collector, for the purpose of release of his vehicle, which is lying with the authorities since July, 2022.

Sub Clause 2 of Section 6(A) of the Act provides as under:-

“[(2) Where the Collector, on receiving a report of seizure or on inspection of any essential commodity under sub-section (1), is of the opinion that the essential commodity is subject to speedy and natural decay or it is otherwise expedient in the public interest so to do, he may— (i) order the same to be sold at the controlled price, if any, fixed for such essential commodity under this Act or under any other law for the time being in force; or (ii) where no such price is fixed, order the same to be sold by public auction:

Provided that in case of foodgrains, the Collector may, for its equitable distribution and availability at fair prices, order the same to be sold through fair price shops at the price fixed by the Central Government or by the State Government, as the case may be, for the retail sale of such foodgrains to the public.”

Thus, this Court is satisfied that the Collector has the power to pass interim orders for disposal of the goods seized which includes vehicle.

In view thereof, the petitioner is allowed to move an



appropriate application before the concerned Collector and if such an application is moved, the same shall be disposed of positively within a period of fifteen days of its filing. If the said application is not decided within fifteen days, the concerned Officer shall be liable for contempt proceedings.

With the above directions, the present writ petition is disposed of.

(Sanjeev Prakash Sharma, J)

Amrendra/-
Item No. 2

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