

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No 308 of 2023

Arising Out of PS. Case No.-526 Year-2021 Thana- AGAMKUAN District- Patna

Sanjay Kumar S/O Suresh Pandit R/o- Savarchak Hata, Near Back of Kali Mandir, Malsalami, Begampur, P.S.- Malasalami, District- Patna

... .. Petitioner/s

Versus

1. The State of Bihar Through The Principal Sect., Dept. of Food and Civil Supplies Corporation, Patna Govt. of Bihar, Patna
2. The District Magistrate, Patna Bihar
3. The Sub Divisional Officer, Patna City, Patna Bihar
4. The Supply Inspector, Patna Bihar
5. The Senior Superintendent of Police, Patna Bihar
6. Officer Incarge, Agamkuan Police Station, Patna Bihar

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr Shashi Bhushan Kumar, Advocate
For the Respondent/s : Mr S Raza Ahmad, AAG V

CORAM: HONOURABLE MR JUSTICE ARVIND SINGH CHANDEL

ORAL JUDGMENT

Date : 20-07-2024

Heard learned counsel appearing for both the parties.

2 The present criminal writ petition has been filed for issuance of mandamus commanding the respondents, particularly Respondent No 3, to release 531 quintls of rice kept in 1062 bags which was seized and FIR bearing Agamkuan PS Case No 526 of 2021 was lodged by the respondents on the assumption that the said food grains were illegally stored and on call neither the proprietor appeared nor he produced the papers.



3 Learned counsel for the petitioner submits that when the matter was taken up on 18.03.2023, a coordinate Bench of this Court passed an order of status quo. Thereafter, when the matter was taken up on 28.04.2023, it was found that even after passing the order of status quo, the respondent-authorities auctioned the seized grain on 15.04.2023 and deposited the sale amount through challan in the Treasury. Further, referring the order passed by this Court dated 28.04.2023, learned counsel for the petitioner submits that this Court was of the opinion that the petitioner is entitled to receive money. Learned counsel submits that FIR being Agamkuan PS Case No 526 of 2021 has also been registered under Sections 490, 420 of IPC and Section 7 of Essential Commodities Act. For quashing the said FIR, writ petition has been preferred by the petitioner bearing Cr W J C No 2068 of 2023 before this Court. A coordinate Bench of this Court allowed the writ petition vide its order dated 15.03.2024 and, accordingly, FIR has already been quashed. Therefore, as of now, no proceeding is pending against the petitioner with regard to the seized grain. The seized grain has already been sold by the respondent-authorities even after the order of status quo passed by this Court.

4 Learned counsel for the Respondent-State submits that in compliance of the order dated 28.04.2023, counter affidavit has



been filed by the Respondent-State. It is found that as directed by this Court, an Enquiry Committee was constituted and the Enquiry Committee submitted its report dated 16.07.2024 (Annexure C). It is found by the Enquiry Committee that two persons have been found guilty for their carelessness. Out of them, against the one person, departmental enquiry has been initiated and against the second person, recommendation for the departmental enquiry has been made. However, learned counsel for the Respondent-State fairly admitted the fact that, as of now, no proceeding is pending against the petitioner with regard to the seized grain and the seized grain has already been sold even after the status quo order passed by this Court. Therefore, petitioner is entitled to obtain sold amount of said grain with reasonable interest, as directed by this Court.

5 Learned counsel for the petitioner also agreed with the above proposal made by the learned counsel for the Respondent-State.

6 Considering the above submission made by both the counsel, it is directed that the entire sale amount of the seized grain will be returned by the respondent/competent authority through bank draft within 30 days from today along with interest at the rate of 6% per annum from the date of seizure of the grain



till its realization. If the amount, as directed herein above, is not paid within the stipulated period, then the petitioner will be entitled to get interest of said amount at the rate of 10% per annum till final realization.

7 With the aforesaid observations, this petition is disposed of.

8 The petitioner will approach this Court, if occasion arises later on, on this issue.

(Arvind Singh Chandel, J)

M.E.H./-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	23.07.2024
Transmission Date	23.07.2024

