

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7578 of 2024

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Nishant Kumar S/o- Late Basudeo Banka Resident of Ujiarpur, P.S.- Ujiarpur,
District- Samastipur, Proprietor of M/s Basudeo Rice Mill, Ujiarpur,
Samastipur.

... .. Petitioner/s

Versus

1. The State of Bihar through the Secretary, Food and Consumer Protection
Department, Government of Bihar, Patna.
2. The Collector-cum- District Magistrate, Samastipur.
3. The Block Supply Officer, Ujiarpur, Samastipur.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. N.K. Agarwal, Sr. Adv.
	:	Mr. Dhananjaya Nath Tiwari, Adv.
	:	Mrs. Diksha Kumari, Adv.
For the Respondent/s	:	Mr. Sarvesh Kumar, Government Pleader 24

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

4 27-08-2024 Heard the learned counsel for the parties.

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

*“That this writ
application is being filed on behalf of
the petitioner for issuance of a writ
in the nature of mandamus
commanding the respondents and/or
direction to release 9000 empty bags
and two electronic weighing machine
in confiscation case No. 113/2023 to
the satisfaction of the Learned
Collector, Samastipur 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 for the petitioner has stated that this Court *vide* order dated 19.10.2023 passed in CWJC No. 15065 of 2023 has directed the District Magistrate, Samastipur to release the foodgrains which were seized by the said authority by imposing some conditions as the District Magistrate, Samastipur may deem fit. Learned counsel has stated that pursuant to the said order, the officials have released the foodgrains in favour of the petitioner but however, the empty gunny bags of approximately 9000 quantity and two electronic weighing machines have not been released. Therefore, learned counsel states that the present writ petition is filed seeking a direction of this Court for releasing the said empty gunny bags and also electronic weighing machines.

4. Having regard to the fact that this Court has already directed the official respondents to release the foodgrains *vide* order dated 19.10.2023 passed in CWJC No. 15065 of 2023, which order has already been complied with, there shall be a direction to the District Magistrate, Samastipur to release the 9000 empty gunny bags and also two electronic weighing machines subject to the conditions that the petitioner shall make available adequate and sufficient securities/sureties (not in cash or bank guarantee) to the satisfaction of the District Magistrate,



Samastipur.

5. Learned counsel for the petitioner undertakes on instruction from the petitioner that if the 9000 empty gunny bags and also two electronic weighing machines are released in his favor, in course of trial he will not raise any question with respect to the seizure of the above said items and no identification issue shall be raised in course of trial. Further, the photographs of the empty bags and weighing machines which may be exhibited in course of trial 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 empty bags and weighing machines in his favor.

6. Let the District Magistrate, Samastipur, pass an appropriate order after valuation of the empty bags and weighing machines 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.

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

(A. Abhishek Reddy, J)

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