

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8095 of 2023

=====

Mahatab Ali, S/o Late Md. Jahagir, R/o Village- Madhopara, P.S.- Purnea,
District- Purnia.

... .. Petitioner/s

Versus

1. The State of Bihar through the Secretary, Food and Consumer Protection Department, Govt. of Bihar, Patna.
2. The Collector-cum-District Magistrate, Purnea.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s	:	Mr. N.K. Agarwal, Sr. Adv. Mr. D.N. Tiwari, Adv. Ms. Diksha Kumari, Adv. Mr. Kumar Rajdeep, Adv.
For the Respondent/s	:	Mr. Arvind Ujjwal (Sc 4)

=====

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

7 09-05-2024 Heard learned counsel for the parties.

Re:- I.A. No. 01 of 2023

2. For the reasons stated in the Interlocutory Application, it is allowed.

3. Registry is directed to make the necessary changes.

4. The present Writ Petition has been filed for the following reliefs:-

“That this application being filed on behalf of the petitioner for setting aside the order dated 02.03.2023 passed in Confiscation Appeal No. 02 of 2021 passed by the learned Sessions Judge, Purnea by which he was pleased to dismissed the appeal preferred under



section 6(c) of the E.C. Act and was pleased to affirmed the order dated 09.04.2021 passed in Confiscation Case being numbered as E.C. Act Case no. 232/2019 passed by the learned Collector, Purnea by which he was pleased to confiscate the seized food grains to the tune of 1291.10 quintals on the grounds which are not sustainable in the eye of law and as such the order dated 02.03.2023 passed by the Learned Sessions Judge Purnea an order dated 09.04.2021 passed by Learned Collector, Purnea is fit to be set aside and the sale proceeds may be released in favour of the petitioner.”

5. Learned counsel for the parties agreed that the matter is similar to CWJC No. 5579 of 2013 (Sanjay Kumar Jha Vs. The State of Bihar through the Secretary, Food and Supply Department, Secretariat, Patna and Ors.) disposed of by this Court in its order dated 02.12.2013 with the following observations:-

“Be that as it may, for the purposes of disposal of this writ petition, suffice to say that as the sale proceeds amounting to about Rs. 12,31,000/- which have already been deposited in the Government Treasury, the same be released to the petitioner from whose custody the food-grains have been seized



within a period of one month from today upon such security as the collector may decide. The security naturally would not be in the shape of cash or bank guarantee. This would, however, be subject to final result of confiscation proceeding and/or criminal case. With these observations and directions, the writ petition stands disposed of.”

6. With the above directions, the present writ petition stands disposed of.

(A. Abhishek Reddy , J)

Gauravkr/-

U			
---	--	--	--

