

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.878 of 2017

Arising Out of PS. Case No.- Year-1111 Thana- District-

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Abhay Singh, Son of Ram Surith Singh, R/o Vill- Baroon, P.S.- Baroon, Dist-
Aurangabad.

... .. Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Food and Civil Supplies Corporation, Govt. of Bihar, Patna.
2. The District Magistrate, Aurangabad, Dist- Aurangabad.
3. The Managing Director, Bihar State Food Civil Supplies Corporation Limited, Bihar at Patna.
4. The District Manager, B.S.F.C., Aurangabad, Dist- Aurangabad.

... .. Respondents

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with

Criminal Writ Jurisdiction Case No. 1016 of 2017

Arising Out of PS. Case No.- Year-1111 Thana- District-

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Satranjan Singh, Son of Late Shaligram Singh, Resident of Village- Regania,
P.S.- Mali, District- Aurangabad.

... .. Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Food and Civil Supplies Corporation, Govt. of Bihar, Patna.
2. The District Magistrate, Aurangabad.
3. The Bihar State Food & Civil Supplies Corporation Limited, through its M.D. at Patna.
4. The District Manager, Aurangabad Bihar Food & Civil Supplies Corporation

... .. Respondents

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with

Criminal Writ Jurisdiction Case No. 1350 of 2017

Arising Out of PS. Case No.- Year-1111 Thana- District-

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Dhananjay Pandey, S/o Sumeshwar Pandey, R/o Vill- Dhaniwar (Birajbigha),
P.S.- Amba, Dist- Aurangabad.

... .. Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Food and Consumer Protection Department, Govt. of Bihar, Patna.
2. The District Magistrate Aurangabad, District- Aurangabad.
3. The Bihar State Food and Civil Supplies Corporation Ltd. through it M.D, Bihar at Patna.

4. The District Manager, Bihar Food & Civil Supplies Corporation
Aurangabad.

... .. Respondents

Appearance :

(In Criminal Writ Jurisdiction Case No. 878 of 2017)

For the Petitioner : Mr. Brij Bihari Tiwary, Advocate
For the State : Mr. Deepak Kumar, AC to GP-4
For the BSFC : Mr. Shailendra Kumar Singh, Advocate
Mr. Utkarsh Utpal, Advocate

(In Criminal Writ Jurisdiction Case No. 1016 of 2017)

For the Petitioner : Mr. Brij Bihari Tiwary, Advocate
For the State : Mr. Deepak Kumar, AC to GP-4
For the BSFC : Mr. Shailendra Kumar Singh, Advocate
Mr. Utkarsh Utpal, Advocate

(In Criminal Writ Jurisdiction Case No. 1350 of 2017)

For the Petitioner : Mr. Brij Bihari Tiwary, Advocate
For the State : Mr. Deepak Kumar, AC to GP-4
For the BSFC : Mr. Shailendra Kumar Singh, Advocate
Mr. Utkarsh Utpal, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

4 30-01-2024 Heard learned counsel for the petitioners and Mr.

Deepak Kumar, learned AC to GP-4 for the State as also Mr.

Shailendra Kumar Singh, learned counsel for the Bihar State

Food & Civil Supplies Corporation, Aurangabad (in short

‘BSFC’).

2. The petitioner in Cr.WJC No. 878 of 2017 is
praying for the following reliefs:-

“I. For setting aside the notice as contained
in the memo no. 520 dated 12.04.2017
whereby and whereunder the petitioner has
been directed to deposit the Bank
guarantee to the tune of Rs.48,05,035/-
before BSFC in view of the order dated
28.02.2017 passed in SLA (Cr.) No.
1779/16 with analogous cases.

II. Issuance of a declaration that submission of Bank Guarantee in addition to pledging of immovable property as collateral security equivalent to be amount of price of the paddy is illegal and is also in teeth of the order of the Hon'ble Apex Court passed on 28.02.2017 in the aforesaid special leave to appeal.”

3. The petitioners in Cr.W.J.C. No. 1016 of 2017 and Cr.W.J.C. No. 1350 of 2017 have same prayer with their Bank Guarantees being to the tune of Rs.25,26,126/- and Rs.1,19,36,976/- respectively.

4. Mr. Shailendra Kumar Singh, learned counsel for the BSFC submits that an identical matter being Cr.W.J.C. No. 402 of 2020 (Vijay Kumar Singh Vs. State of Bihar and Others) had come up for consideration in this Court and the same has been disposed of on 05.07.2021 by holding that it is not a fit case in which the extraordinary writ jurisdiction of the High Court is required to be exercised. According to him, the present case would be covered by the order dated 05.07.2021 passed in Cr.W.J.C. No. 402 of 2020.

5. Mr. Deepak Kumar, learned AC to GP-4 appears for the State in all the three writ applications.

6. Having heard learned counsel for the parties and on

perusal of the records, this Court finds that the issue raised in the present writ application is identical to that of Cr.W.J.C No. 402 of 2020 which has already been disposed of on 05.07.2021 by this Court without interfering with the impugned letter/ notice.

7. These cases being identical to Cr.W.J.C No. 402 of 2020 are disposed of for the same reasons and rationale which are provided in the order dated 05.07.2021 passed in Cr.W.J.C No. 402 of 2020.

(Rajeev Ranjan Prasad, J)

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