

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12177 of 2017

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M/s Maa Jagdamba Rice Mills village Nirmalbigha, P.O. Nalanda, District Nalanda Partner Sri Love Kumar, S/o-Sri Krishna Murari Singh R/o-Village-Paparnausa, P.s.-Nursarai, P.O.-Machaldiha, District-Nalanda.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The Principal Secretary, Food and Consumer Department, Government of Bihar, Patna.
3. The District Collector, Nalanda.
4. The Managing Director, Bihar State Food and Civil Supply Corporation, Patna.
5. The District Manager, Bihar State Food and Civil Supplies Corporation, Nalanda.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Krishna Mohan Mishra, Advocate
For the State	:	Mr. Arvind Ujjwal -SC 4
For the BSFC	:	M/s Shailendra Kumar Singh, Utkarsha Utpal, Advocate Shilpi Singh, Advocates

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CORAM: HONOURABLE JUSTICE SMT. G. ANUPAMA CHAKRAVARTHY
ORAL JUDGMENT
Date : 15-05-2025

1. The petitioner has filed the Writ petition for the following reliefs:

“(i) To quash the notice vide no-358 dated 21.03.2017 issued by the District Manager, Nalanda for furnishing of bank guarantee of Rs. 2,27,64,651.09 (annexure-13) equal to the amount of rice by misinterpreting the Hon'ble Apex Court order and direction contain in special Leave application no 1779(crl)



of 2016 dated 28.02.2016.

(ii) To hold and declare that the letter issued by the respondent Corporation is bad and illegal in view of the fact that the petitioner is not liable to furnish bank guarantee as per the direction given by the Hon'ble Supreme Court in S.L.P. (Crl) No. 1779 of 2016 in the case of State of Bihar and others Vs. Devesh Kumar Choudhary, as the terms of agreement in 2011- 12 and 2012-13 is entirely different and the Hon'ble Court has given direction by relying the agreement of 2012-13.

(iii) To issue any other writ/writs, order/orders, direction/directions as your lordships deem fit and proper in the facts and circumstances of case..

2. During the course of the arguments, the Learned counsel for the petitioner seeks indulgence of this Court to grant liberty to file the representation before the authority and direct the authority to pass necessary orders duly taking into account the objections filed by the petitioner.

3. Without going into merits of the case,



the petitioner is directed to file a representation before the authority within two weeks from the date of receipt of this order. In turn, the appropriate authority, i.e., District Manager, BSFC, Nalanda shall consider the representation and pass an appropriate order within two months from the date of filing of the representation.

4. With the aforesaid observations, the Writ petition is disposed of.

5. Interlocutory Application(s), if any, shall stand disposed of.

(G. Anupama Chakravarthy, J)

Spd/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	15.05.2025
Transmission Date	

