

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15106 of 2017

=====

Ashok Kumar Son of Late Saryu Prasad Singh resident of Village - Barandi,
P.S. - Rahui, District - Nalanda, Proprietor of M/S Abhishek Rice Mill,
Nalanda.

... .. Petitioner/s

Versus

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

... .. Respondent/s

=====

Appearance :

For the Petitioner/s	:	Mr. Shashi Bhushan Kumar, Advocate
For the Respondent/s	:	Mr. Arvind Ujjwal-SC 4
For the BSFC	:	M/s Shailendra Kumar Singh, Utkarsha Utpal, Advocate

=====

CORAM: HONOURABLE JUSTICE SMT. G. ANUPAMA CHAKRAVARTHY

ORAL JUDGMENT

Date : 20-06-2025

1. Heard the Learned counsel for the parties.

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

“(i) To quash the notice vide memo no-367 dated 21.03.2017 issued by the District Manager, Nalanda for furnishing of bank guarantee of Rs. 46,27,879.28 (Annexure-11) equal to the cost of rice by misinterpreting the



Hon'ble Apex Court Order and direction 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.

3. 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 concerned and direct the authority to pass necessary orders duly



taking into account the objections filed by the petitioner.

4. Without going into merits of the case, the petitioner is directed to file a representation along with all relevant documents before the authority concerned within four weeks from the date of receipt of this order. In turn, the appropriate authority, i.e., District Manager, BSFC, Nalanda shall consider the representation on merits and pass an appropriate order in accordance with law within three months from the date of filing of the representation.

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

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

(G. Anupama Chakravarthy, J)

Spd/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	23.06.2025
Transmission Date	

