

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8618 of 2018

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Harendra Kumar Son of Late Brahamdeo Singh resident of Fatehpur, P.S. -
Karai Parsurai, District - Nalanda, Proprietor of M/S Makarouta PACKS Rice
Mill, Fatehpur, Nalanda.

... .. Petitioner/s

Versus

1. The State Of Bihar
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 Civil Supplies Corporation,
Nalanda.

... .. Respondent/s

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Appearance :

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

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CORAM: HONOURABLE JUSTICE SMT. G. ANUPAMA CHAKRAVARTHY

ORAL JUDGMENT

Date : 27-06-2025

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

*“1. To quash the notice vide
memo no- 384 dated 21.03.2017 issued
by the District Manager, Nalanda for
furnishing of bank guarantee of Rs.
1,55,64,043.16 (Annexure-7) equal to
the cost of Custom Rice Mill by
misinterpreting the Hon'ble passed
Apex Court order, passed 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 Versus 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 2012-2013 and petitioner was not party in SLP.

iii. To issue any other writ / writes, 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 respondents seeks indulgence of this Court to grant liberty to the petitioner to file a representation before the authority and direct the authority concerned 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	27.06.2025
Transmission Date	

