

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11010 of 2019

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Badri Prasad Gupta @ Badri Kumar Gupta S/o Bigan Sao Vill.- Khiriyawan,
P.s.- Madanpur, Distt.- Aurangabad, Bihar

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Food and Civil Supply Department, Bihar, Patna
2. The District Magistrate Gaya
3. The Sub Divisional Officer Sherghati Sub Division, Distt.- Gaya
4. The Block Development Officer Gurua Block, Distt.- Gaya
5. The Block Supply Officer Gurua Block, Distt.- Gaya
6. The Anchal Adhikari Gurua Anchal, Distt.- Gaya

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Arvind Kumar Singh, Advocate
	:	Ms. Swati Parmar, Advocate
For the Respondent/s	:	Mr.Aag5

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CORAM: HONOURABLE JUSTICE SMT. G. ANUPAMA CHAKRAVARTHY
ORAL JUDGMENT

Date : 13-10-2025

1. The Writ petition is filed to direct the respondents to make payments for the price of 509 bags of wheat weighing 218.50 quintals, allegedly seized in connection with Gurua P.S. Case No. 116 of 2016 dated 30.08.2016 for the offences punishable under Section 7 of the Essential Commodities Act on the ground that the wheat is subsidised wheat which was meant for sale in black market.



2. The brief facts culled out of the Writ petition are that the petitioner is not a P.D.S. Dealer. The petitioner has purchased 518.50 quintals of wheat from the open market for the purpose of business which were loaded in truck No. NL-01D-6851 for being transported to his business premises which was seized in connection with Gurua P.S. Case No. 116 of 2016 dated 30.08.2016 under Section 7 of the Essential Commodities Act.

3. It is the specific contention of the Learned counsel for the petitioner that the raiding team reached the rice mill and seized the wheat which is inside the truck bearing No. NL-01D-6851. And the petitioner was not arrayed as accused in the F.I.R. initially, but during the course of investigation his name was implicated.

4. It is further contention of the Learned counsel for the petitioner that Confiscation Case No. 19 of 2016 was initiated on the file of District Magistrate, Gaya on the basis of a report of this Senior Superintendent of Police, Gaya and the confiscation proceedings were dropped by the



District Magistrate and inspite of it, the alleged wheat was not released by the respondents and therefore, he was constrained to prefer the present Writ petition.

5. A detailed counter affidavit was filed by the Learned counsel for the respondents. The contents of the counter affidavit disclose that the seized articles were perishable items and it was sold at the maximum market price by the order of the 2nd respondent and the amount was deposited in the treasury vide challan bearing No. 101 dated 27.10.2016.

6. Heard the Learned counsel for the petitioner as well as the Learned counsel for the respondents.

7. On perusal of the record, it is evident that the counter affidavit do not disclose about the confiscation proceedings being dropped against the petitioner. It is the contention of the Learned counsel for the respondents that if at all any confiscation proceeding are dropped, the petitioner is at liberty to file a detailed representation before the authority for



release of the amount which was deposited in the treasury. Considering the fact that amount was deposited in the treasury pursuant to the sale of seized wheat in confiscation proceeding the petitioner is directed to file a representation within one month from the date of receipt of this order. In turn, the respondents shall pass appropriate orders considering the merits of the case within two months from the date of filing of the representation.

8. With the aforesaid observation, the Writ petition stands disposed of.

(G. Anupama Chakravarthy, J)

amitkr/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	18.10.2025
Transmission Date	N/A

