

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.455 of 2022

Arising Out of PS. Case No.-131 Year-2022 Thana- KATEYA District- Gopalganj

Munna Kumar Gupta, Son of Dashrath Prasad, Resident of Village- Kateya,
P.S.- Kateya, District- Gopalganj.

... .. Petitioner

Versus

1. The State of Bihar
2. Ashutosh Singh Yadav, Son of Pratap Singh Yadav, Resident of Village and
P.O.- Inayat Nagar, P.S.- Inayat Nagar (Ayodhya), District- Faizabad, U.P.
Presently Posted as Block Supply Officer, Kateya Block, Gopalganj.

... .. Respondents

Appearance :

For the Petitioner	:	Mr. Sanjay Kumar, Advocate
For the State	:	Mr. Upendra Kumar, APP
Amicus Curiae	:	Mr. N. K. Agrawal, Sr. Advocate

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

9 19-08-2025 Heard learned counsel for the petitioner, learned APP
for the State and the Amicus Curiae.

2. The petitioner is aggrieved by seizure and
confiscation of 405 quintal of rice in Kateya P.S. Case No. 131
of 2022 registered for the offences punishable under Sections
468, 465 and 420 of the Indian Penal Code and Section 7 of the
Essential Commodities Act, 1955.

3. The confiscation proceeding was started in regard
to the seized rice belonging to the petitioner but he preferred
one application before learned S.D.J.M., Gopalganj for interim
release of the rice. But by the impugned order dated 17.06.2022,
learned S.D.J.M., Gopalganj has rejected his application,



holding that confiscation proceeding is going on in regard to the rice in question, and hence, he has no jurisdiction to entertain such application filed by the petitioner.

4. Admittedly, under Section 6(A)(6) of the Essential Commodities Act, 1955, the jurisdiction of the Criminal Court has been ousted to entertain any application in regard to the Essential Commodities for its release or disposal, if confiscation proceeding has been already initiated by District Magistrate.

5. At this stage, learned counsel for the petitioner seeks permission to withdraw the present petition with liberty to the petitioner to file appropriate writ petition in accordance with law.

6. Permission is accorded.

7. Accordingly, the present petition is dismissed as withdrawn with liberty to the petitioner to file appropriate writ petition for release of the seized rice.

(Jitendra Kumar, J.)

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Ajay/-

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