

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11998 of 2019

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Shashibhusan Saw S/o Vivek Shaw, Resident of Alipur, P.S.- bind, District-
Nalanda.

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Food and Consumer Protection Department, Bihar, Patna.
2. The District Magistrate cum Collector, Nalanda at Biharsharif.
3. The District Supply Officer, Nalanda at Biharsharif.
4. The S.D.O., Biharsharif, Nalanda.
5. The Block Development Officer, Bind, District- Nalanda.
6. The Superintendent of Police, Nalanda at Biharsharif.
7. The S.H.O., Bind Police Station, District- Nalanda.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Bhola Prasad, Advocate
For the Respondent/s	:	Mr.S.Raza Ahmad (AAG-5)

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CORAM: HONOURABLE JUSTICE SMT. G. ANUPAMA CHAKRAVARTHY

ORAL JUDGMENT

Date : 23-09-2025

1. The writ petition is filed for the following
reliefs:-

“(i) for issuance of an appropriate writ, order or direction directing the respondent concern to release the 8.80 quintal of rice in favour of the petitioner which has been seized in connection with Bind P.S. Case No. 05/2019 u/s 7 of Essential Commodities Act.



(ii) And for any other relief
(s) for which the petitioner is found
to be entitled in the facts and
circumstances of the case.”

2. The brief facts as culled out of the writ petition are that on 14.01.2019, the Block Development Officer, Bind, received secret information that rice from the Public Distribution System (PDS) was being illegally loaded into a tempo. It was alleged that the said rice was being delivered to the petitioner by a PDS dealer named Murlidhar. On such information, the Block Development Officer, along with police officials, conducted a raid and seized the tempo coming from Alipur village. On search, 16 bags of rice were recovered from the tempo bearing registration no. BR21P-2363. The petitioner disclosed that he had purchased the rice from Murlidhar and was going to sell it at Bihar Sharif. The driver of the tempo disclosed his name, as Babloo Prasad. Consequently, the rice, the mobile of the driver and the tempo were seized as per the seizure list and a case was registered



against the petitioner under PS Case No. 5/2019, Bind Police Station, for an offence punishable under Section 7 of the Essential Commodities Act.

3. Heard the Learned counsel for the petitioner as well as the Learned counsel for the respondents. Perused the materials on record.

4. It is the specific contention of the Learned counsel for the petitioner that the petitioner is innocent and the seized rice belongs to him, which he had purchased from Murlidhar.

5. On the other hand, the Learned counsel for the respondents contended that Murlidhar is a PDS dealer and that the rice allegedly sold to the petitioner belongs to the Public Distribution System. Further, it is submitted that Confiscation Case No. 19 of 2019 was initiated against the petitioner and two others.

6. It is also fairly conceded by the Learned counsel for the respondents that he is not aware whether the confiscation proceeding has been concluded or not.



7. On considering the rival submissions of the parties and on perusal of the record, it is evident that the rice was seized in PS Case No. 5 of 2019 of Bind Police Station for an offence punishable under Section 7 of the Essential Commodities Act. Further, a confiscation case was instituted under Section 6(a) of the Essential Commodities Act.

8. Section 451 of the Code of Criminal Procedure, reads as follows:-

Order for custody and disposal of property pending trial in certain cases.—When any property is produced before any Criminal Court during any inquiry or trial, the Court may make such order as it thinks fit for the proper custody of such property pending the conclusion of the inquiry or trial, and, if the property is subject to speedy and natural decay, or if it is otherwise expedient so to do, the Court may, after recording such evidence as it thinks necessary, order it to be sold or otherwise disposed of.

Explanation.—For the purposes of this section, “property” includes—



(a) property of any kind or document which is produced before the Court or which is in its custody.

(b) any property regarding which an offence appears to have been committed or which appears to have been used for the commission of any offence.

9. Admittedly, the rice was seized by the police with the help of the Block Development Officer in a criminal case. If the petitioner intends to seek the release of the seized property, he must make an appropriate application before the criminal court under Section 451 of the Cr.P.C.

10. The petitioner has not availed this remedy. Therefore, this Court is of the considerable view that the petitioner is at liberty to make an appropriate application before the concerned authority for release of the property, supported by admissible evidence that the property belongs to him.



11. With the abovesaid direction, the writ petition is disposed of accordingly.

(G. Anupama Chakravarthy, J)

vinita/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	25.09.2025
Transmission Date	

