

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12616 of 2024

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Rajesh Kumar Sah Son of Ram Akval Sah Resident of Village- Basotra,
Police Station - Charant, District- Sitamarhi.

... .. Petitioner/s

Versus

- 1. The State of Bihar through the Principal Secretary Food and Civil Supply Bihar, Patna.
- 2. District Magistrate, Darbhanga.
- 3. S.D.O. Sadar, Darbhanga.
- 4. District Supply Officer, Sadar Darbhanga.
- 5. Block Supply Officer, Sadar Darbhanga.
- 6. Supply Inspector, Darbhanga Sadar, Darbhanga.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Girish Chandra Jha
For the Respondent/s : Mr. Government Pleader 13

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 304-11-2025
1.

The present writ application has been filed challenging the order of confiscation, dated 23.08.2022, passed by the respondent no. 2-District Magistrate, Darbhanga, in confiscation case no. 35 of 2019.
2.

Learned counsel for the petitioner submits that on the basis of secret information that a Mahindra Pick-up Van, bearing registration no. BR06-GB-3827, carrying 101 bags of BSFC, each containing 48 kgs of wheat, was



caught near Church Main Road, the respondent no. 2 has confiscated the seized wheat, sold it at government rate and deposited the sale proceeds in the Nazarat.

3. Learned counsel for the State submits that under Section 6 (a) of the Essential Commodities Act, 1955, there is provision for appeal before the judicial authority, who is normally the District Judge of the concerned district, against the order passed by the confiscating authority. Accordingly, the petitioner ought to have approached the judicial authority against the order, dated 23.08.2022, passed under Section 6 (a) of the Essential Commodities Act. The petitioner has approached this Court without availing the statutory remedy of appeal.
4. Considering the submission advanced by the parties and nature of dispute, the present writ application is disposed with liberty to the petitioner to file an appeal before the concerned District Judge within a period of 15 days, along with condonation of delay petition.
5. If such an appeal is filed by the petitioner, the District Judge shall consider the same and pass a reasoned and speaking order on the merit of the case.



6. With aforesaid observations and directions, this writ application is, accordingly, disposed.

(Anil Kumar Sinha, J)

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