

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17220 of 2023

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Md. Mehruzzaman Son of Md. Usman, resident of Village-Farkiya, Ward No. 2, P.S.-Bausi, District Araria.

... .. Petitioner/s

Versus

1. The State of Bihar through the Collector, Araria.
2. The Collector-cum-District Magistrate, Araria.
3. The District Agriculture Officer, Araria.
4. The Block Coordinator Block Raniganj, District Araria.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Dhananjaya Nath Tiwari, Adv.
For the Respondent/s : Mr. Raghwanand (Gall)

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CORAM: HONOURABLE MR. JUSTICE A. ABHISHEK REDDY
ORAL ORDER

3 19-06-2025

Re:- I.A. No. 01 of 2025

For the reasons stated in the Interlocutory Application,
it is allowed.

2. Registry is directed to make necessary amendments
in the prayer portion.

3. Heard the learned counsel for the parties.

4. The present writ petition has been filed for the
following relief(s):-

*“That this writ application is being
filed on behalf of the petitioner for a direction to
the Learned Collector, Araria to release 58 bags
of different fertilizers in confiscation case no.
26/2023 to the satisfaction of Learned Collector,
Araria on furnishing sufficient sureties subject*



to result of criminal case as well as confiscation case.”

5. Learned counsel for the parties agreed that the matter is similar to CWJC No. 5579 of 2013 (Sanjay Kumar Jha Vs. The State of Bihar through the Secretary, Food and Supply Department, Secretariat, Patna and Ors.) disposed of by this Court in its order dated 02.12.2013 with the following observations:-

“Having considered the matter in my view, the contention of Learned counsel for the petitioner is correct. Before the authorities could have alleged that these bags of food-grains were misappropriated, it is incumbent upon the authorities to show as to from where these bags have come because at those places, there must be a deficit in the counting. In absence of that, merely because a person cannot produce paper or give an explanation, he cannot be held guilty for that is no offence. Be that as it may, for the purposes of disposal of this writ petition, suffice to say that as the sale proceeds amounting to about Rs. 12,31,000/- which have already been deposited in the Government Treasury, the same be released to the petitioner from whose custody the food-grains have been seized within a period of one month from today upon such security as the collector may decide. The security naturally would not be in the shape of cash or bank guarantee. This would, however, be subject to final result of confiscation proceeding and/or criminal case. With these observations and directions, the writ petition stands disposed of.”

6. With the above directions, the present writ petition



stands disposed of.

(A. Abhishek Reddy , J)

Gauravkr/-

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