

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.62 of 2025

=====

Rajesh Sah @ Rajesh Kumar Sah S/o Panandi Prasad @ Panandi Sah,
Resident of Village- Farakia, P.S.- Bousi, District- Araria, the proprietor M/s
Shivam Raj Trading Farakia, Raniganj, Araria.

... .. Petitioner/s

Versus

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

... .. Respondent/s

=====

Appearance :

For the Petitioner/s	:	Mr. NK Agarwal, Sr. Adv.
	:	Mr. Dhananjaya Nath Tiwari, Adv.
For the Respondent/s	:	Mr. Standing Counsel (15)
	:	Mr. JC To SC24

=====

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

3 16-05-2025 Heard the learned counsel for the parties.

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

*“That the writ is being filed on
behalf of the petitioner for issuance a writ in
the nature of mandamus commanding the
Respondents especially Respondent No. 2
(The Collector, Araria) to make payment of
Sale proceeds of 540 bags of different
fertilizer to the tune of Rs. 3,88,850/- passed
in Confiscation Case No. 26/2023, in favour
of the petitioner on furnishing sufficient
sureties to the satisfaction of Learned
Collector, Araria on such term/ terms as this
Hon’ble court deems fit and proper.”*

3. 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.”

4. With the above directions, the present writ petition stands disposed of.

(A. Abhishek Reddy, J)

Ayush/-

U			
---	--	--	--

