

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3335 of 2019

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Najis Alam S/o- Late Md. Yasin @Late Yaseen R/O- Village and P.S. Rauta,
Dist- Purnea

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Food and Consumer Protection Department, Bihar- Patna
2. The Collector District Magistrate Purnea
3. The District Supply Officer Purnea
4. The S.D.O Baisi, District- Purnea
5. The Block Supply Officer Baisa, District- Purnea

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Mukesh Kumar Jha
: Mr.Bhola Prasad
For the Respondent/s : Mr.Arvind Ujjwal (SC-4)

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CORAM: HONOURABLE JUSTICE SMT. G. ANUPAMA CHAKRAVARTHY

ORAL JUDGMENT

Date : 13-10-2025

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

(i) For quashing the notice/order dated 07.12.2018 issued by the Collector-cum-District Magistrate, Purnea in E.C. Act Case No. 308/18 as well as whole confiscation proceeding bearing E.C. Act Case No. 308/2018 in as much as the grains in question is not subsidized PDS food grains but it is the own procure food grains of the petitioner.



(ii) For a direction to the respondents concerned to release the tractor bearing and trailer bearing registration on BR37GA-0255 as well as the food grains which has been seized for the alleged violation of Essential Commodities Act in connection with Rauta P.S. Case No. 103/2018 for offence under Section 420 of I.P.C. and Section 7 of E.C. Act.

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

2. This Court has passed an interim order dated 20.02.2019 which reads as follows:-

“Let the defects, as pointed out by office, be ignored.

This writ application has been preferred seeking release of the Tractor and Trailer loaded with food-grains which are said to be 23.55 quintal of Wheat, 72 quintal of Rice and 8.02 quintal of Maize and paddy. Learned counsel for the petitioner submits that the petitioner has also challenged the confiscation proceeding for the reason that in the facts of the present case where the seizure of food-grains is based on mere



suspicion and till date the investigation is still pending, there is no basis for initiation of a confiscation proceeding.

Learned counsel submits that the food-grains in question are not controlled items and the petitioner is not a PDS dealer, therefore, the mere lodgment of the F.I.R. under Section 420 of the I.P.C. and Section 7 of the E.C. Act would not give rise to a presumption against the petitioner that he was indulged in any act of cheating or black-marketing.

It is further submitted that the food-grains and Tractor are under seizure for the last more than six months, therefore those are required to be released otherwise it will be a case of gross injustice to the petitioner. The petitioner is willing and ready to abide by the terms and conditions of the release of the vehicles and food-grains.

Under these facts and circumstances, learned counsel for the State submits that as regards initiation of the confiscation proceeding in the facts of the present case he would file a counter affidavit within four weeks from today.



Considering the fact that in similar matters this court has been directing provisional release of the vehicle and release of food-grains, this court finds that six months has already gone and as the food-grains are not controlled items and it would only be just and proper to direct the District Magistrate-cum- Collector, Purnia (Respondent No. 2) to release the food-grains and the Tractor as well as Trailer of the petitioner on his furnishing document of registration of the vehicles in his favour and surety bond to the extent of the cost of the food-grains and the value of the vehicles as indicated in the insurance document. The surety bond shall not be in form of cash or bank guarantee. The question as to whether in the given facts the confiscation proceeding should be continued against the petitioner shall be considered after filing of a counter affidavit.

The aforesaid release shall be ordered within a period of one week from the date of submission of the surety bond as indicated above.



List this matter on 28th March, 2019 under the heading "For Admission"."

3. On perusal of the interim order, it is evident that the vehicle as well as food grains of the petitioner were released by the respondents. It is contended by the Learned counsel for the petitioner that the confiscation proceedings are pending before the respondents. Therefore, the respondents are directed to dispose of the confiscation case within a period of four months from the date of the receipt of this order.

4. With the abovesaid observation, the writ petition shall stand disposed of.

(G. Anupama Chakravarthy, J)

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AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	14.10.2025
Transmission Date	

