

IN THE COURT OF DEPUTY COMMISSIONER-CUM-DISTRICT MAGISTRATE, GIRIDIH

Confiscation Case No. 03/2018

State vs Rupnarayan Mandal

ORDER

12.09.24 This case has been initiated on the recommendation of District Supply Officer (DSO), Giridih through his letter no. 1726, dated 03.08.2018 for Confiscation Proceedings. Upon perusal of DSO Giridih's report, points and arguments submitted/ given by Ld. Advocate of Respondent and Ld. A.P.P. and various documents available on record, the following points were observed:

It has been reported about this case that on 25.07.2018 and 26.07.2018 raids were conducted in the PDS Shop (Public Distribution Shop) of Rupnarayan Mandal, bearing license no. 34/85, P.S. Bhelwaghaati, Block: Deori. The items found and seized were as follows:

106 plastic bags having rice each weighing 50 kgs, 44 jute bags having FCI rice each weighing 50 kgs, 35 empty jute bags of FCI, one old shovel, 20 empty plastic bags, 43 FCI Shakti Rice Mill Jute Bags having rice each weighing 50 kgs, 9 jute bags having FCI rice each weighing 20 kgs.

As per letter no. 40, dated 25.02.2019 of Block Supply Officer (Incharge), Deori on matching the Stock Register and Online Lifting and Distribution Records, for AAY and PH foodgrains, it was found that from October 2016 to 06.02.2019, total procurement was 996.50 quintals and total distribution was 951.35 quintals. Thus total stock remaining amounts to be 45.15 quintals. The PDS shop has been suspended since 07.08.2018.

gj

Upon perusal of records, it is observed that the petitioner has been allowed anticipatory bail with certain directions by Hon'ble High Court on the basis of which CJM Giridih released the accused from custody upon furnishing bail bond.

On perusal of Hon'ble High Court's order in similar matters it has been found that it points out that "State Government is required to authorize some person with the power of search and seizure in terms of Clause 10 of the said order (Public Distribution System (Control) Order, 2001)". "Therefore, if any search and seizure is made by a person who has not been authorized in terms of Clause 10 of the said order, such search and seizure would get vitiated and under this situation, FIR is fit to be quashed". It is to be pointed out that on 25.07.2018 search and seizure was done by Block Development Officer, Deori. The arguments given by Ld. Advocate of the Respondent is unacceptable.

Heard the Ld. A.P.P. on various points of the case. As per the seizure list 98.30 quintals of food grains along with empty bags of food grains and other items were seized. The argument given by Ld. Advocate of the Respondent that rice seized in plastic bags was the rice of the respondent which has been grown by himself on his own agricultural land.

Thus on account of the aforementioned points, points and arguments submitted/given by Ld. Advocate of the Respondent, opinion/ argument of Ld. A.P.P. and upon perusal/ examination of the various documents available on record, the court comes to the conclusion that the respondent has committed violation of Section 7 of the Essential Commodities Act, 1955. Thus it is directed that the seized items shall be confiscated in favour of the State. District Supply Officer, Giridih is directed to do further necessary procedures as per law.

gj

Let a copy of this order be provided to all concerned. Due to busy schedule in law and order and other administrative work this order is passed today.

Dictated and Corrected by me .

gfy 12/09/24

Deputy Commissioner -cum-
District Magistrate,
Giridih

gfy 12/09/24

Deputy Commissioner -cum-
District Magistrate,
Giridih

Memo No. 692, Date 12/09/24

Copy to: District Supply Officer, Giridih and Superintendent of Police, Giridih for information and necessary action

gfy 12/09/24

Deputy Commissioner -cum-
District Magistrate,
Giridih

gfy 12/09/24

Deputy Commissioner -cum-
District Magistrate,
Giridih