

(7)

केस का सं० और तारीख	आदेश और पदाधिकारी का हस्ताक्षर	आदेश पर की गई कार्रवाई के बारे में टिप्पणी, तारीख के साथ
1	2	3

IN THE COURT OF THE DEPUTY COMMISSIONER, RANCHI
Confiscation Case No.-06 R 28/17-18

14.10.2020 State
-Versus-
Devnandan Yadav Son of Late Fagu Yadav
R/o Ayodhyapuri, Lower Chutia,
P.S. Chutia, District Ranchi

ORDER

The Special Officer, Rationing vide Letter No.-816 (ii) dated 09.08.2017 has forwarded a proposal U/s 6A of the Essential Commodities Act praying therein for confiscation of (1) 104 Packets of sacks of Food Corporation of India, (3) 37 packets of plastic sacks and (3) Approximately 70.50 quintals of rice seized in connection with Chutia PS Case No.-81/2017 dated 21.04.2017 registered U/s 7 of Essential commodities Act.

As per the report submitted upon the matter by the Special Officer, Rationing, Ranchi vide Letter No.-816 (ii) dated 09.08.2017, the Marketing Officer on instruction given to him went to Lower Chutia, where upon information he went to the residential house of the Opp. party and found that the Opp. Party has illegally stored 32.5 Quintals of rice in 65 Packets of FCI Sacks at his veranda, 19.50 Quintals of rice in 39 Packets of FCI sacks at his room and 18.5 quintals of rice in 37 packets of Plastic sacks. The Opp. Party use to repack the rice of the FCI meant for public distribution in fair price into the general plastic sacks for black marketing. On enquiry the Opp. Party failed to produce any document regarding valid

② जफ्त हुआ

श्री २-१
Jap
(Adu)
28/03/18

जला :

17/03/18
80 मं० नि०
81 ग बाबा रंजी

अधिवक्ता

केस का सं० ओर तारिख	आदेश ओर पदाधिकारी का हस्ताक्षर	आदेश पर की गई कार्रवाई के बारे में टिप्पणी, तारिख के साथ
1	2	3

2

purchasing of the same and accordingly on the basis of written application of Sri Naresh Kumar, Marketing Officer, Ranchi Chutia PS Case No.-81/2017 dated 21.04.2017 U/s 7 of Essential commodities Act was lodged and the aforesaid commodities were seized.

Heard both the parties. According to learned Advocate appearing on behalf of the Opp. Party, as per the case of the prosecution, 164 packets containing 70.50 quintals rice has been seized, but on the day of the seizure there was no stock limit for rice fixed under the Bihar Control order or Jharkhand Control order either to the wholesale dealer or the retailer or to the miller or to any person who use to purchase or sell the rice in open market, as such violation of any order under the E.C. Act does not arise. And the instant proceeding U/s 6A of the E.C. Act is not maintainable and is liable to be dropped.

Further the learned Advocate appearing on behalf of the Opp. Party states that, the Opp. Party is the bonafide owner of the rice which was seized from his premises and he had purchased 100 quintals of rice from M/s Annapurna Trading Guraru (Gaya) on 14.04.17 and out of the same he unloaded 70.50 Quintals of rice in his premises, which were seized on 20.04.17, hence the question of storing the rice of FCI does not arise.

Further according to the learned Advocate, the opposite party filed bail before the learned court of J.C. Ranchi and has been

② जफ्त की हुई दवा
 J.C. Ranchi
 (Adv)
 28/03/18
 जिला :
 राँची
 आधवक्ता
 11/01/18
 एच.ओ. नं०.
 राँची

8

केस का नं० और तारीख	आदेश और पदाधिकारी का हस्ताक्षर	आदेश पर की गई कार्रवाई के बारे में टिप्पणी, तारीख के साथ
1	2	3

3

granted bail in Chutia P.S. Case No. 81/17.

Having heard both the parties and on perusal of report and materials available on record, I find that, the rice seized in FCI marked sacks goes to prove that the rice meant for distribution among the public in fair price was illegally procured and stored in the residential house of the Opp. Parties for black marketing and moreover although the Opp. Party has averred that he has procured rice from Gaya and has got invoice of the same, which is annexed, but contrary to the said fact, no such invoice or any other document viz transportation challan has been brought on record by the Opp. Party. Hence as per the proposal made by the Special Officer Rationing, Ranchi, I hereby order to confiscate (1) 104 Packets of sacks of Food Corporation of India, (3) 37 packets of plastic sacks and (3) Approximately 70.50 quintals of rice seized in connection with Chutia PS Case No.-81/2017 dated 21.04.2017.

Communicate this order to Special Officer, Rationing, Ranchi for information and necessary action.

Dictated & Corrected
[Signature]
Deputy Commissioner
Ranchi

[Signature]
Deputy Commissioner
Ranchi

*Order communicated to
S.O.R. Ranchi for
information &
necessary action.
Date Memo 20/11/20
20/11/20*

जफ्त किया गया
RANDBA
Jas
(Adv)
28/03/18
जिला :
आधवक्ता