



2026:CGHC:3425



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NAFR**HIGH COURT OF CHHATTISGARH AT BILASPUR****CRR No. 797 of 2012**

Rupanand Patel S/o Haldhar Patel, Aged About 30 Years, R/o Village Sirpur
Post Baloda, Tahsil and P.S. Saraipali, Distt. Mahasamund, Chhattisgarh,

... Applicant**versus**

State of Chhattisgarh, Through - The Collector Mahasamund, Distt.
Mahasamund, Chhattisgarh,

... Respondent

For Applicant	: Mr. Sabyasachi Bhaduri, Advocate
For Respondent/State	: Mr. Atanu Ghosh, Dy. G.A.

Hon'ble Shri Justice Radhakishan Agrawal**Order on Board****20.01.2026**

1. This criminal revision has been preferred under Section 12-AB of the Essential Commodities Act, 1955 read with Sections 397 and 401 of the Code of Criminal Procedure, 1973, challenging the order dated 04.09.2012 passed by the First Additional Sessions Judge, Mahasamund in Criminal Appeal No. 31/2012, affirming the order dated 27.02.2012 passed by the Collector, Mahasamund in Case No. 74B/121 year 2011–2012, whereby 99 bags of paddy weighing 45.54 quintals were confiscated and a fine of Rs.49,183/-, equivalent to the value of the seized paddy, was imposed in lieu of confiscation of the vehicle.



2. The prosecution case, in brief, is that on 17.12.2011 at about 1:30 a.m., the Secretary, Krishi Upaj Mandi and the Assistant Food Officer, Saraipali, during inspection on the Sirpur–Kolihaudevri road, intercepted a tractor bearing registration No. MP-23-GA-6955, which was found loaded with 99 bags of paddy weighing 45.54 quintals. On enquiry, the tractor driver Munna (S/o Udeykar) disclosed that the paddy was being transported from Village Chattapali, Odisha, to Village Sirpur, Tahsil Saraipali, District Mahasamund (C.G.). No permission letter, transport document, or market receipt issued by the competent authority was produced in respect of inter-State transportation of paddy. As bringing paddy from another State and selling or transporting it within the district without prior permission is prohibited under the Instructions issued under Clause 14 of the Chhattisgarh Rice Procurement (Udgrahan) Order, 2007, the tractor along with the paddy was seized and handed over to Shri Prahlad Choudhary, Assistant Class-III, Krishi Upaj Mandi, Saraipali. Thereafter, a show-cause notice under Section 6-B of the Essential Commodities Act, 1955 was issued on 22.12.2011, and after providing opportunity of hearing, the Collector, Mahasamund, by order dated 27.02.2012, confiscated the seized paddy and imposed a fine of Rs.49,183/- in lieu of confiscation of the vehicle.
3. The Collector, Mahasamund after appreciation of oral and documentary evidence, passed the impugned order. The said order was challenged by the applicant before First Additional Sessions Judge, however, the learned Appellate Court vide judgment dated 04.09.2012 dismissed the appeal. Hence, this revision.
4. Learned counsel for the applicant submits that the impugned orders passed by the Collector as well as the Sessions Judge is erroneous



and contrary to the law. He further submits that the fine amount which has been imposed on the applicant has wrongly been assessed by the Collector. Relying upon the proviso to Section 6A of the Essential Commodities Act, 1955, it is argued that food grains produced by a farmer are not liable to be confiscated. Therefore, it is prayed that the orders passed by the Collector as well as the Sessions Judge, be set – aside.

5. Per contra, learned State counsel supports the impugned orders and submits that the applicant failed to produce any document at the time of seizure or during the proceedings to establish lawful permission for inter-State transportation or to prove cultivation within the State of Chhattisgarh. It is further argued that the confiscation proceedings were conducted strictly in accordance with law after granting due opportunity, and no interference is warranted in revisional jurisdiction.
6. Heard learned counsel for the parties and perused the materials available on record.
7. Before proceeding further, it would be apt to reproduce the provisions contained in Section 6 A of the Essential Commodities Act, 1955 which reads as under:

“6A. Confiscation of essential commodity.— (1) Where any essential commodity is seized in pursuance of an order made under section 3 in relation thereto, it may be produced, without any unreasonable delay, before the Collector of the district in which such essential commodity is seized and whether or not a prosecution is instituted for the contravention of such order, the Collector may, if he thinks it expedient so to do, direct the confiscation of—

- (a) the essential commodity so seized;
- (b) any package, covering or receptacle in which such essential commodity is found; and
- (c) any animal, vehicle, vessel or other conveyance used in carrying such essential commodity:



Provided that without prejudice to any action which may be taken under any other provision of this Act, no foodgrains or edible oilseeds in pursuance of an order made under section 3 in relation thereto from a producer shall, if the seized foodgrains or edible oilseeds have been produced by him, be confiscated under this section:

[Provided further that in the case of any animal, vehicle, vessel or other conveyance used for the carriage of goods or passengers for hire, the owner of such animal, vehicle, vessel or other conveyance shall be given an option to pay, in lieu of its confiscation, a fine not exceeding the market price at the date of seizure of the essential commodity sought to be carried by such animal, vehicle, vessel or other conveyance.]

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8. A case has been registered against the applicant for violating the instructions issued under Clause 14 of the Chhattisgarh Rice Procurement (Levy) Order, 2007 and instructions issued regarding procurement of paddy at the support price in the Kharif Marketing year 2011-2012, and a show-cause notice dated 22.12.2011 was issued against the applicant.
9. From the record, it stands clearly established that the applicant loaded paddy in a tractor trolley from Village Chattapali (Odisha) and transported it to Village Sirpur, Tehsil Saraipali (C.G.). The applicant Rupanand Patel in his reply has himself admitted that the paddy was brought from Odisha which establishes the inter-State movement of paddy. It has also come on record that the State Government had established a check post at Sirpur to prevent illegal transportation of paddy from Odisha during the Kharif Marketing year. The material on record shows that the driver – Munna, crossed the border check post during night hours, apparently to avoid regulatory checks, and thereby illegally transported the paddy.



- 10.** It is also evident from the record that illegal transportation of paddy has been done without obtaining permission from the Director, Food and Civil Supplies, Govt. of Chhattisgarh. As per the instructions dated 19.10.2011 issued under Clause 14 of Chhattisgarh Rice Procurement (Levy) Order, 2007 in Kharif Marketing year 2011-2012, from 1st November, 2011 to 30th April, 2012, the arrival of paddy from other States would be possible only with the permission of the Director, Food and Civil Supplies, Govt. of Chhattisgarh. In the case in hand, the applicant had transported paddy from Chattapali (Orissa) to Village Sirpur, Tehsil Saraipali, District - Mahasamund (C.G.) without taking permission from the competent authority. Thus, the violation of the statutory order and procurement instructions is clearly proved.
- 11.** Thus, from the above evidence, the Collector has exercised jurisdiction strictly in accordance with law, and the appellate court has rightly affirmed the order after proper appreciation of the material on record. Therefore, this Court does not find any perversity, illegality, or jurisdictional error in the impugned orders.
- 12.** The findings recorded by the Collector, Mahasamund, and affirmed by the First Additional Sessions Judge, Mahasamund, are legal, proper, and justified, and call for no interference by this Court.
- 13.** Consequently, the criminal revision is hereby dismissed.

Sd/-

(Radhakishan Agrawal)
Judge