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WP-3381-2026

IN THE HIGH COURT OF MADHYA PRADESH
AT INDORE

BEFORE

HON'BLE SHRI JUSTICE SUBODH ABHYANKAR

ON THE 9th OF FEBRUARY, 2026WRIT PETITION No. 3381 of 2026*JAI ENTERPRISES THROUGH PROPRIETOR MUKESH JAIN**Versus**THE STATE OF MADHYA PRADESH AND OTHERS*

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Appearance:

*Shri Vivek Sharan - Senior Advocate with Shri Amit Mittal -
Advocate for the petitioner.*

Shri Viraj Godha - G.A. for respondents/State.

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ORDER

1] Heard.

2] This petition has been filed by the petitioner under Article 226/227 of the Constitution of India seeking the following reliefs:-

"1. Quash and set aside the impugned order dated 03.11.2025 passed by the Collector, District Barwani, in Case No.0030/B-121/2025-26, whereby the confiscation of 1197 quintals of wheat and 17.51 quintals of rice has been ordered;

2. Quash and set aside the order dated 10.01.2026 passed by Special Judge (Atrocities Act), Barwani District Barwani in CRA 182/2025, whereby the order dated 03.11.2025 was upheld.

3. Grant any other relief(s) which this Hon'ble Court may deem fit, proper, and just in the facts and circumstances of the case, in favour of the petitioner, along with costs of the petition."

3] The petitioner is aggrieved of the seizure of its food grains, in all 1197 quintals of wheat and 17.51 quintals of rice. Admittedly, out of the said quantity, the petitioner has already been returned 598.50 quintals of wheat, however, the remaining wheat is still lying with the respondents.

4] Senior counsel for the petitioner has submitted that if the wheat is not sold in the market at the earliest, due to its perishable nature, it would



soon become unfit for human consumption and would be required to dispose of, hence, the respondents may be directed to hand over the remaining food grains to the petitioner so that he can at least dispose of the same in the manner so as to fetch the best price. It is also submitted that the entire stock seized is accounted for, however, without even verifying the same, the food grains have been seized.

5] On the last date of hearing, this Court had also directed the counsel for the State to take proper instructions in the matter, and today counsel for the respondents/State has submitted that presently the respondents do not intend to sell the aforesaid wheat. It is also submitted that the total value of the food grains seized was Rs.22,24,640/-, and it was alleged that the petitioner was found in possession of food grains, which were obtained by him from Public Distribution System Shops, and was about to sell the same in the open market.

6] In rebuttal, senior counsel for the petitioner has submitted that the petitioner has only obtained empty sacks from the market, in which the food grains were kept, however, the sacks were of the same nature in which the food grains at Public Distribution System are kept, hence, a false case has been slapped against the petitioner.

7] Heard. Having considered the rival submissions, perusal of the documents filed on record, this Court finds that various disputed questions of fact are involved, which can only be decided after the parties have led their evidence. However, in order to ensure that the food grains are not lost forever due to lapse of time, this Court finds it expedient to allow the



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petition, and, accordingly, the impugned orders dated 03.11.2025 and 10.01.2026 are hereby set aside, and the respondents are directed to hand over the remaining food grains to the petitioner on his furnishing surety to the tune of Rs.7 lakhs to the satisfaction of the Collector, Barwani.

8] With the aforesaid, the petition stands *disposed of*.

(SUBODH ABHYANKAR)
JUDGE

Pankaj