

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.255 of 2015

Arising Out of PS.Case No. -226 Year- 2013 Thana -BAKHTIYARPUR District- PATNA

Dani Singh, son of Srikant Singh, resident of Village - Kachra Mohalla, Police Station - Mokama and District - Patna.

.... Petitioner/s

Versus

1. The State of Bihar.
2. The District Magistrate, Patna.
3. The Senior Superintendent of Police, Patna.
4. The Superintendent of Police, Rural, Patna.
5. The Deputy Superintendent of Police, Barh, Patna.
6. The Officer-in-Charge, Bakhtiyarpur Police Station, District - Patna.

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Manish Kumar No. 2, Adv.

For the State : Mr. Sanjay Kumar Tiwary, A.P.P.

CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 26-02-2015

Heard learned counsel for the Petitioner and the State.

The Petitioner seeks quashing of the order dated 22.9.2014 passed in Special Case No. 69 of 2013 arising out of Bakhtiyarpur P.S. Case No. 226 of 2013 by the Additional Sessions Judge-VII-cum-Special Judge, NDPS, Patna by which he has refused to release the vehicle seized in the case. He seeks release of the vehicle as an interim arrangement since he has to repay loan which he has taken on the vehicle from the Bank.

It has been submitted that the Petitioner was not arrested with his truck bearing No. BR-01GB-9801 on which huge

amount of Ganja was recovered. There is no secret chamber in the same. However, now a confiscation Proceeding has been initiated.

Since the matter is subjudice before the District Magistrate, Patna, evidently, he alone is competent to look into the grievance of the Petitioner.

Hence, the application is disposed off with liberty to the Petitioner to approach the District Magistrate, Patna, within a period of three weeks upon which he shall pass an appropriate order considering the provisions of law.

(Anjana Prakash, J)

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