

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No. 6566 of 2015

Arising out of P.S. Case No. -444 Year- 2014 Thana -
BARAUNI District- BEGUSARAI

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Ratan Singh Son of Late Ramjee Singh Proprietor of M/s Ratan
Singh & Company at - village - Tiltrath, P.O. - Tiltrath, P.S. - Barauni,
Dist.-Begusarai. Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Gautam Kumar Kejriwal, Adv.

For the Opposite Party/s : Mr. J.N. Thakur, APP.

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 26-02-2015

The Petitioner seeks quashing of the order dated
19.01.2015 by which the Sub-divisional Judicial
Magistrate, Begusarai has refused to release his Tank
Lorry bearing Regn. No. BR 9E-5925 and the 20 KL of
high speed diesel contained therein in Barauni Refinery
P.S. Case No. 444 of 2014.

It has been submitted that the Court below has
refused to release the Tank Lorry on the ground that
confiscation proceedings have been initiated in its regard.
Fact of the matter is that the Annexure-5 demonstrates
that confiscation proceedings have been initiated only
with regard to 105 Litres Diesel and 70 Litres Kerosene
Oil of which the Petitioner does not claim owner-ship. In
such circumstances, evidently, the order is bad.

Accepting the submission, the application is

allowed and the order dated 19.01.2015 by which the Sub-divisional Judicial Magistrate, Begusarai has refused to release his Tank Lorry bearing Regn. No. BR 9E-5925 in Barauni Refinery P.S. Case No. 444 of 2014 is, hereby, set aside.

The Court below is directed to release the aforesaid Tank Lorry in favour of the Petitioner after due verification of the documents on sufficient sureties/bonds as found fit within a period of four weeks from the date of receipt of this order.

The Application is allowed with the aforesaid observations.

(Anjana Prakash, J.)

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