

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No. 7523 of 2015

Arising out of P.S. Case No. -90 Year- 2014 Thana -
BALIGAON District- VAISHALI (HAJIPUR)

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Umashanker Singh Son of Manoranjan Pd. Singh resident of village-
Mosadpur, P.S. Barauni, District- Begusarai.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Jai Prakash Singh, Adv.

For the Opposite Party/s: Mrs. Sharda Kumari, 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
06.01.2015 by which the Judicial Magistrate, 1st Class,
Vaishali at Hajipur has refused to release his vehicle
(Tanker) No. WB 61/B-4473 and the petrol/diesel
contained therein in Baligaon P.S. Case No. 90 of 2014.

It has been submitted that the Petitioner was
not named in the First Information Report and is not an
accused till date. He sought release of the Tank Lorry and
the articles in question seized in the aforesaid case.

The Judicial Magistrate refused the release on
the ground that no report had been received from the
District Magistrate, Vaishali with regard to confiscation
proceeding.

The District Magistrate, Vaishali at Hajipur is directed to immediately send a report within a period of four weeks from the date of receipt of this order to the Judicial Magistrate, Vaishali at Hajipur as to whether confiscation proceeding have been initiated with regard to the aforesaid articles. If the District Magistrate reports that no confiscation proceedings have been initiated the Court below shall release the Tanker within two weeks next in favour of the Petitioner on due verification on such bonds/sureties as it deems fit.

With these observations, the Application is disposed off.

(Anjana Prakash, J.)

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