

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.14092 of 2013

Arising Out of PS.Case No. -40 Year- 2012 Thana -ROSHANGAANJ District- GAYA

Ashok Choudhary

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr.

For the Opposite Party/s : Mr. Akbar Ali (App)

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

3 25-06-2015

Heard learned counsel for the petitioner and the State.

The petitioner seeks quashing or the order dated 04.02.2013 passed in G.R. Case No. 774/12 arising out of Raushanganj P.S. Case No. 40/12 by which the S.D.J.M. Sherghati, Gaya has rejected the petition of the petitioner for release of eight quintals of rice observing that confiscation proceeding no. 26 of 2012 has already been initiated against the petitioner.

Petitioner has filed an order of acquittal passed in his favour by the S.D.J.M, Sherghati , Gaya in the above noted case and acquitted him from the charges leveled against him.

The petitioner has prayed for release of eight

quintals of rice for which confiscation proceeding case no. 26/12 is already pending before the District Magistrate, Gaya.

Let the petitioner produce the order of acquittal before the District Magistrate , Gaya who will after hearing the parties pass an order taking into consideration the acquittal order of the petitioner, for release or for reimbursement of the price of rice if already sold. The order dated 04.02.2013 passed in G.R. No. 774/12/2009/13 passed by the S.D.J.M, Sherghati, Gaya is hereby quashed. The application is allowed.

(Nilu Agrawal, J)

M.Rahman/-

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