

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.36634 of 2012

Arising Out of PS.Case No. -192 Year- 2012 Thana Supaul District- SUPAUL

Debu Choudhary @ Devnarayan Choudhary, S/O Late Jogi Choudhary R/O Village
- Baransher, P.S. Bihara, District - Saharsa

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Krishna Pd. Singh, Sr. Adv.
Mr. Rakesh Singh, Adv.

For the State : Mr. C. Jawahar, A.P.P.

CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 05-05-2015

Heard learned counsel for the Petitioner and the State.

The Petitioner seeks quashing of the order dated 18.8.2012 by which Sessions Judge, Saharsa, has refused to release the vehicle bearing registration No. BR19B-4705 seized in connection with Special Case No. 2 of 2012 arising out of Supaul P.S. Case No. 192 of 2012.

The background fact is that the vehicle was seized when the accused persons were sitting in it loaded with 14 Kg. of Ganja.

The submission of the Petitioner is that admittedly, no confiscation proceeding had been initiated as is evident from the impugned order. The release of vehicle was refused only on the

ground that the vehicle would be required as material evidence.

Considering that the order was passed way back on 18.8.2012 and it is not known as to whether the Confiscation Proceeding has been initiated now in regard to the aforesaid vehicle. I am not inclined to set aside the order.

However, in the interest of justice, the application is disposed off with a direction to the Sessions Judge to release the vehicle within a period of six weeks from the date of receipt of this order, if such proceeding has not been initiated, after due verification of the documents and undertaking by the Petitioner that he shall not dispose off the vehicle during pendency of the trial and will produce it before the Court below as and when it is required.

The application stands disposed off with aforesaid directions.

(Anjana Prakash, J)

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