

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.45098 of 2012

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M/S Future Supply Chains Solution Ltd.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Anirban Kundu

For the Opposite Party/s : Mr. Raj Kishore Singh (App)

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CORAM: HONOURABLE MR. JUSTICE MUNGESHWAR
SAHOO
ORAL ORDER

2 23-04-2015

Heard learned counsel for the petitioner.

This application under Section 482 Cr.P.C. has been filed by the petitioner-Company for quashing the order dated 23.08.2012 passed by the Judicial Magistrate, 1st Class, Aurangabad in G.R. No.2654 of 2011/T.R. No.1812 of 2012 arising out of Sadar (Aurangabad) P.S. Case No.479 of 2011 whereby the court below refused to release the seized articles in favour of the petitioner.

It appears that one container (truck) was seized with the articles and it was alleged that the accused persons committed theft of the seized articles. Criminal proceeding aforesaid was initiated against the accused persons thereafter the petitioner-Company filed the application through the employee before the trial court for release of the goods seized in the case on the ground that he deals with the apparels and bed-sheet etc. and the

Company's articles were seized from the container. No other person was claiming the property, which is seized in the case. However, the court below refused to release the articles in favour of the petitioner-Company.

The learned counsel for the petitioner submitted that the petitioner deals with the business relating to cloth as aforesaid and in fact the petitioner's clothes were seized from the container as the accused persons committed theft of the petitioner's articles. At the time of filing application before the court below for release of the articles seized, the employee of the petitioner-Company had no authority slip, therefore, the document could not be produced. Moreover, there is no other person to claim the articles as owner thereof. Further the petitioner-Company is ready to furnish sufficient surety, if the goods are released in favour of the petitioner through the employee of the petitioner.

From perusal of the impugned order, it appears that admittedly the petitioner-Company or any of its employees are not accused. Except the petitioner-Company no other person is claiming to be the owner of the goods seized. The materials seized are the bed-sheets, apparels etc., which are lying in the police station since last four years. The court below has refused on the ground that the petitioner failed to produce any authentic

document.

In view of the above facts that the cloth materials are lying in the police station for last four years and except the petitioner-Company, no other person is claiming to be the owner of the property and the fact that the petitioner is ready to furnish sufficient surety in the sake of bank guarantee, the order impugned is set aside and the court below is directed to release the articles seized on furnishing the document i.e. authorization letter issued by the Company in favour of the employee after furnishing sufficient surety in the sake of bank guarantee to the satisfaction of the court below.

Thus, this criminal miscellaneous application is allowed.

If the cost of Fax is deposited by the petitioner, the order may be communicated through Fax.

(Mungeshwar Sahoo, J)

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