

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.50772 of 2012

=====

Sunil Kumar Singh son of late Ram Naresh Singh, resident of Singh Kothi,
PO. PS. Town and District Aurangabad.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. S.D. Sanjay, Adv.

For the Opposite Party/s : Mr. Ajay Kumar-2(App)

=====

CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
ORAL ORDER

3 07-05-2015

Heard learned counsel for the petitioner and learned
counsel for the State.

In this case, on the Police report, a truck bearing no.
JH02-0614, loaded with the coal, was intercepted.

The present petitioner approached this Court in Cr.
Misc. No. 37159 of 2012 and vide order dated 12.10.2012, this
Court directed that the court below, after verifying the documents
produced by the petitioner, the issue of ownership over the coal
will be decided within two weeks, if the same is decided in favour
of the petitioner will be released accordingly.

In turn, the court below held an enquiry and found
that from the intercepted truck, document of one Sunil Kumar
Singh and Amit Singh with regard to coal in question was
recovered and the court below, arrived to a finding of suspicious
ownership, refused to release the coal in favour of the petitioner.



The counsel for the petitioner submits that Amit Singh is not coming forward claiming the said coal, it is the petitioner who is claiming the ownership over the same, as he was issued a permit from the Central Coal Field with respect to consumption of coal by his factory situated at Aurangabad, so much so that court below has mentioned about some documents but did not discuss the nature of document which were recovered from the truck and submits that he is the owner of the said coal ordered to be released.

Having considered the rival contentions of the parties, this Court directed the Magistrate to hold an enquiry to find out the ownership of the coal. Some documents showing his claim over the coal, were recovered from the truck, have not been discussed by the court below failure to discuss the same, make the order vulnerable for its interference, so much so, Amit Singh is not coming forward for claiming of the coal in question.

In this view of the matter, the order dated 30th November 2012 is quashed and the matter is remanded back to the court below to hold an enquiry with regard to the ownership over the coal. If it is found that the documents which have been recovered from the truck are irresistibly showing the ownership of the petitioner, in that circumstance, the court below will be

obliged to pass the order in accordance with law.

With the above observation this petition is disposed

of.

(Shivaji Pandey, J)

Mahesh/-

U		T	
---	--	---	--