

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12540 of 2015

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1. Faraz Ahmad @ Feraj Ahmad Son of Shabir Ahmad@Shabbir Ahmad
resident of Mohalla- Sherghati, P.s sherghati, Distt- Gaya.

.... Petitioner/s

Versus

1. The State of Bihar through the Collector, Rohtas at Sasaram.
2. The Collector , Rohtas at Sasaram.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Vijay Anand

For the Respondent/s : Mr. Sunil Kr. Mandal

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**CORAM: HONOURABLE MR. JUSTICE SAMARENDRA
PRATAP SINGH**
ORAL ORDER

2 27-08-2015 The petitioner prays for release of truck bearing registration no. UP- 67T seized on 31.12.2014 by the Block Agriculture Officer, Kochas, Rohtas in Confiscation Case No. 01 of 2015 arising out of Kochas P.S.Case No. 01 of 2015 registered under Section 7 of the Essential Commodities Act.

Earlier the petitioner had moved this Court vide Cr.W.J.C. No. 596 of 2015, which was disposed of on 09.06.2015 with a direction to the learned Sub-divisional Judicial Magistrate, Rohtas at Sasaram to consider the request of the petitioner for release of the truck, in accordance with law, taking into account all the relevant materials including the ownership document. It appears that as some papers were wanted and there was some typographical error in the name, the learned Magistrate had

rejected the request of the petitioner for release of the truck.

In my view, the learned Sub-divisional Magistrate ought to have allowed an opportunity to the petitioner to correct the typographical error and to produce the documents, if necessary. The learned Magistrate would call for a report from the local police also.

It is observed that all exercise must be completed within a period of four weeks from the date of receipt/ production of a copy of this order. In case the learned Magistrate finds that some more defects are required to be removed such opportunity should be granted to the petitioner.

With the above observation and direction, the writ petition is disposed of.

(Samarendra Pratap Singh, J)

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