

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.18930 of 2014

Arising Out of PS.Case No. -47 Year- 2010 Thana -GOVERNMENT OFFICIAL COMP. District-
AURANGABAD

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1. Kirpal Singh Bhatiya Son of Manmohan Singh R/o Pratap Nagar, P.S. +
District-Indore, Madhya Pradesh

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Anish Chandra, Advocate

For the Opposite Party/s : Mr. Kr. Ranjit Ranjan, APP

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 16-07-2015

The Petitioner seeks quashing of the order dated 3.4.2012, by which the Chief Judicial Magistrate, Aurangabad has refused to release the tanker bearing Registration No. MP09KB-9872 in connection with Excise case No.47 of 2010 as also the order dated 15.1.2014 passed by the Sessions Judge, Aurangabad in Cr. Misc. No.4 of 2014.

It has been submitted that there is no dispute with regard to ownership of the tanker, which is perishable item and hence should be released. The Revisional Court considering that the documents with regard to the goods loaded on the same not being reliable refused to do so.

Considering the direction of the Hon'ble Supreme Court

in such matters, the application is allowed and the order dated 3.4.2012 passed by the Chief Judicial Magistrate, Aurangabad in connection with Excise case No.47 of 2010 as also the order dated 15.1.2014 passed by the Sessions Judge, Aurangabad in Cr. Misc. No.4 of 2014 is hereby set aside.

The Court below is directed to release the tanker bearing Registration No. MP09KB-9872 in connection with Excise case No.47 of 2010 in favour of the Petitioner on due verification of the documents within a period of three weeks from the date of receipt of this order on such bonds as it deems fit and proper.

It goes without saying that the Petitioner at no point shall dispute the fact that the tanker had been seized in connection with the present case.

(Anjana Prakash, J)

Narendra/-

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