

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No. 31494 of 2014

Arising out of P.S. Case No. -47 Year- 2013 Thana -
CHANDMUNDI District- JAMUI

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Sultan Wahid Son of Sultan Sahid resident of village- Pachna, P.S.-
Sheikhpura, District- Sheikhpura.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Brij Nandan Prasad, Adv.

For the Opposite Party/s : Mr. Rajiv Nayan, APP.

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 16-07-2015

Perused the report of the S.P. Sheikhpura but
unfortunately he has not reported as to whether the
articles seized were explosive substance or fertilizer.

The Petitioner seeks quashing of the order dated
01.07.2014 by which the Judicial Magistrate, 1st Class,
Jamui has refused to release the Truck bearing No. BR-
1G 8724 and 150 bags of Ammonium Nitrate in
Chandramandi P.S. Case No. 47 of 2013 (G.R. No. 963 of
2013).

This Court is not inclined to pass any order
with regard to fertilizer since by now it must have
perished. However, considering the consistent direction of
the Hon'ble Supreme Court with regard to release of
perishable items, the Court below is directed to take

necessary steps to release of the truck within a period of three weeks of the date of receipt of this order on verification of documents in favour of the Petitioner on such bonds as it deems fit and proper. However, the Petitioner shall give an undertaking in the Court below that he will produce the vehicle if a confiscation proceeding is initiated with regard to the truck.

With the aforesaid observations, the application stands disposed off.

(Anjana Prakash, J.)

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