

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.50111 of 2012

Roshan Lal

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr.

For the Opposite Party/s : Mr. I.K.Shrivastava(App)

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 23-04-2015 Heard learned counsel for the petitioner and the learned
A.P.P.

The petitioner seeks quashing of the order dated 23.02.2012 passed by the learned Judicial Magistrate, Gaya in G.R. No. 309/20011/ T.R. No. 2528/12 by which cognizance has been taken of the offences punishable under Sections 414, 120 (B)/34 of the Indian Penal Code.

F.I.R. has been lodged on 03.02.2011 at 10.30. A.M. on the basis of written report of one Arjun Prasad, Officer- In- charge of Magadh University Police Station, who on the basis of a written information, intercepted a truck bearing No. WB 37B-6925 at 9.15 A.M. coming from Dhobhi to Gaya and found that the truck was loaded with Soft coke after conversion from coal for illegal business. The truck was stopped and on doing so, the driver and khalasi of the said vehicle were apprehended and disclosed their names as Brajesh Kumar Yadav and Pappu Rai and whose owner was Roshan Lal and truck contained soft coal of about 15-16

tonnes. The vehicle and the coal were seized in presence of two independent witnesses and a seizure list was handed over to the driver of the vehicle. After investigation, charge sheet has been submitted against the petitioner and others on 17.08.2011 and an application was filed by the petitioner before the Chief Judicial Magistrate, Gaya on 01.04.2011 for release of the above mentioned seized truck with soft coal loaded over it, in Misc. Case No. 05 of 2011 which was rejected on 21.10.2011. The petitioner then moved before this Hon'ble Court, for release of the aforesaid truck with soft coal in Cr. Misc. No. 42283 of 2011, which was allowed with certain observations.

Since the petitioner and others have already been charge sheeted and cognizance has been taken against the petitioner and co-accused by the learned Chief Judicial Magistrate, Gaya in G.R. No. 2528/2012 by order dated 23.02.2012, I am not inclined to quash the order dated 23.02.2012.

This application is accordingly, dismissed. However, liberty is given to the petitioner to raise all his points at the time of framing of charge.

(Nilu Agrawal, J)

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