

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.29169 of 2012

Arising Out of Lakhisarai P.S. Case No. -39 Year- 2011 Thana Lakhisarai District-
LAKHISARAI

Tinkoo Kumar @ Sanjay Kumar, S/O Sri Krishna Sah @ Krishna
Prasad, R/O Kawaiya Road, P.S. Lakhisarai, Distt. - Lakhisarai

.... Petitioner/s

Versus

The State Of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. N.K. Agrawal, Sr. Adv.

Mr. D.N. Tiwari, Adv.

For the State : Mr. Ritesh Kumar, A.P.P.

CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 03-04-2015

Heard learned counsel for the Petitioner and the State.

The Petitioner seeks quashing of the order of cognizance
dated 20.9.2011 passed by the Chief Judicial Magistrate, Kakhisarai,
in Lakhisarai P.S. Case No. 39 of 2011, G.R. Case No. 101 of 2011.

It has been submitted that even conceding the allegation
in the First Information Report, since the quantity of fertilizer did not
come within the prohibited quantity, no offence is made out.

The State is not in a position to refute such submission.

Hence, the application is allowed and the entire
Proceeding including the order of cognizance dated 20.9.2011 passed
by the Chief Judicial Magistrate, Kakhisarai, in Lakhisarai P.S. Case

No. 39 of 2011, G.R. Case No. 101 of 2011, is hereby set aside.

(Anjana Prakash, J)

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