

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.15689 of 2016

Arising Out of PS.Case No. -12 Year- 2014 Thana -AKHODHIGOLA District- SASARAM
(ROHTAS)

Satyendra Singh, Son of Jagdish Singh, Resident of Village-Bagen, P.S.-
Akodhi Gola, District-Rohtas.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

Appearance :

For the Petitioner : Mr. Deepak Kumar, Advocate.

For the Opposite Party : Mr. Shakir Ahmad (App)

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 01-08-2016 Heard both sides.

The petitioner has filed this petition under Section 482 of the Cr.P.C. for quashing the order dated 23.06.2014 passed in Akodhi Gola P.S. Case No. 12 of 2014, by which the learned Judicial Magistrate 1st Class, Dehri-On-Sone, Rohtas rejected the petition of the petitioner for release of the tractor.

The tractor loaded with paddy was seized and on such Akodhi Gola P.S. Case No. 12 of 2014 was registered on 27.01.2014. The petitioner filed petition for release of the tractor with all documents of the tractor, stating therein that his tractor was hired by Shiv Kumar Mehta for carrying paddy but the tractor was seized. There is no use of keeping the tractor in the premises of police station, but the learned Judicial Magistrate 1st Class, Dehri-On-Sone, Rohtas rejected the petition of the petitioner.

It is submitted that the order suffers from illegality as no confiscation case is pending. The tractor of the petitioner is still lying in the premises of the police station.

It appears that the tractor is not at all required in the investigation of the case. The petitioner has filed the sale register and other documents of the tractor. No useful purpose would be served keeping the tractor in the premises of the police station. The court should have released the tractor forthwith. Thus I find that the order impugned suffers from illegality and not sustainable.

Accordingly the order dated 23.06.2014 is quashed and petition is allowed with a direction that the learned Judicial Magistrate 1st Class, Dehri-On-Sone, Rohtas to release the tractor forthwith in favour of the petitioner after verifying all the documents with regard to owner book and tax paid.

(Prabhat Kumar Jha, J.)

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