

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Writ Jurisdiction Case No.751 of 2016

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Puneet Sharma, son of Late Prem Prakash Sharma, resident of 745 Brahampuri
Kabari Bazar Meerut, P.S.- Kabri Bazar, Uttar Pradesh.

.... Petitioner/s

Versus

1. The State of Bihar.
2. The District Magistrate, Nalanda.
3. The Superintendent of Police, Nalanda.
4. The Deputy Superintendent of Police, Rajgir, Nalanda.
5. The SHO Giriyak Police Station, Nalanda.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Sanjay Prasad, Advocate

For the Respondent/s : Mr. Md. Raisul Haque, S.C.-10

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CORAM: HONOURABLE MR. JUSTICE HEMANT GUPTA

ORAL JUDGMENT

Date: 31-08-2016

The petitioner is the owner of Tank Lorry No. UP 15
BT-5255. The said vehicle has been seized in connection with Giriyak
P.S. Case No.90 of 2016 under Section 7 of the Essential Commodities
Act.

The allegations are that on 09.04.2016, when the
informant was on patrol duty, he got information that milk is being
taken out of the Tank Lorry and is being mixed with water. On the
basis of the said complaint, an F.I.R. was lodged and the Tank Lorry
was seized.

Admittedly, confiscation proceedings of Tank Lorry
have been initiated. Earlier, the petitioner filed an application before

the learned S.D.J.M, Nalanda at Bihar Sharif for release of the Tank Lorry, but in view of the confiscation proceedings, no order has been passed on such application.

Without going into the merits of the legality of the seizure of the vehicle, I find that continuance seizure of the Tank Lorry is not serving any purpose. The petitioner is being deprived of the user of the same. Consequently, the Tank Lorry No. UP 15 BT 5255 is ordered to be released on superdari to the satisfaction of the Sub-Divisional Judicial Magistrate, Nalanda at Bihar Sharif, in connection with Giriyak P.S. Case No.90 of 2016.

(Hemant Gupta, J.)

Sunil

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