

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Writ Jurisdiction Case No.1914 of 2017

Arising Out of PS.Case No. -null Year- null Thana -null District- SARAN

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Sunil Kumar son of Sri Kapildeo Prasad,

.... Petitioner/s

Versus

The State of Bihar, Through The Principal Secretary, Home Deptt., Patna & Ors

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ajay Kumar Thakur, Advocate
Mr. Ravi Ranjan, Advocate
Mr. Shashank Shekhar, Advocate
Mrs. Babita Kumari, Advocate

For the Respondent/s : Mr. Manish Kumar, GP-4

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR

ORAL JUDGMENT

Date: 13-10-2017

Heard learned counsel for the parties.

2. Pan masala and tobacco of this petitioner was seized by the police officials on the allegation that the same was being carried on a truck without payment of VAT. For the aforesaid occurrence Manjhi P.S. Case No.101 of 2017 was registered.

3. The prayer of the petitioner was refused by the learned Additional Chief Judicial Magistrate-V, Saran at Chapra, on 23.06.2017 passed under Section 452 Cr.P.C. The said order was challenged before the learned Sessions Judge-IX, Saran at Chapra, in Cr. Revision No.193 of 2017, the revision application was also dismissed on 06.09.2017 only on the ground that there is allegation of revenue theft.



4. Submission of the learned counsel for the petitioner is that both the aforesaid orders have been challenged in this writ application on the ground that for breach of any fiscal law there is provision for fine etc., which has not been imposed upto now as there was no breach at all. The valid challan etc. were already there, which are already annexed with the writ application.

5. After hearing the parties and considering the fact that no cogent reason is there in refusal of the seized perishable items, the same be released in favour of the petitioner on execution of surety bond of Rs.10,00,000/- (Ten Lacs) out of which bank guarantee of Rs.1,00,000/- (One Lac) should be there. The release shall be made only after retaining a small quantity of the same as sample.

6. With the aforesaid observation, this writ application stands disposed of.

(Birendra Kumar, J)

Mkr./-

AFR/NAFR	NAFR
CAV DATE	NA
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