

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.40234 of 2013

Arising Out of PS.Case No. -104 Year- 2011 Thana -GOVERNMENT OFFICIAL COMP. District-
GAYA

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Suprakash Mukherjee @ Basu Mukherjee S/O Samir Mukherjee Resident
Of Port Hawrah, Police Station- Howrah, District- 24 Pargana

.... Petitioner

Versus

The State Of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Syed Asgher Najmi

For the Opposite Party/s : Mr. H.A.Khan (App)

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**CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN
SHARMA**

ORAL ORDER

2 03-04-2017 No one is present on behalf of the petitioner.

This application has been filed by the petitioner for quashing the order dated 06.02.2013 passed in Criminal Revision No. 108 of 2012 / 40 of 2012 by learned 2nd Additional Sessions Judge, Gaya as well as order dated 21.08.2012/22.08.2012 passed in T. R. No. 2174 of 2012 Forest Case No. 104 of 2011 by Sri Rajesh Prasad, the then J. M. Ist Class, Sherghati, Gaya whereby and whereunder the learned courts below have refused to release the seized vehicle in favour of the petitioner.

Perused those orders as well as the records.

Allegedly, on 14.02.2011 at about 3:00 a.m. near Forest Check Post at G.T. Road Barachatti four persons were found on the Sumo Victa vehicle in question along with 1531 in 22 bags Gangatic Soft Shelled Turtles and no paper was produced.



Accordingly, they were arrested and the said bags having Gangatic Soft Shelled Turtles and vehicle were seized by Forest Department as the Gangatic Soft Shelled Turtles are protected under the Wild Life (Protection) Act and their transportation, possession or hunting is prohibited and punishable under the said Act.

It is not in dispute that the seized Sumo Victa bearing registration no. WB26C-9578, which was used in transporting those turtles, belongs to the petitioner. The Petitioner is also named in the case as the driver of the vehicle has stated that during journey he was in contact with the son of the petitioner, namely, Baso Mukherjee. Nothing has been brought on record to say that the petitioner was not involved in the crime and as such finding no merit in this criminal miscellaneous, the same is hereby dismissed.

(Jitendra Mohan Sharma, J)

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