

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.35446 of 2013

Arising Out of PS.Case No. -6 Year- 2011 Thana -DULHIN BAZAR District- PATNA

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1. Shyam Nandan Singh Verma @ Shyama Nandan Singh S/O Sri Bindeshwari Prasad Singh Resident Of Village- Selhauri, Police Station- Dulhin Bazar, District- Patna

.... Petitioner/s

Versus

1. The State Of Bihar
2. The Senior Superintendent Of Police Patna

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Prashant Kumar

For the Opposite Party/s : Mr. Jaishankar Barnwal

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

3 16-01-2017 The petitioner has challenged for quashing order dated 27.8.2011 passed in Case No.06 of 2011 by which the application preferred by the petitioner for release of seized articles and unlocking of shop and Godown has been dismissed by the learned court below.

The prosecution story in short is that an FIR was lodged on the basis of written statement of one Shital Prasad Verma, B.D.O., Dulhim Bazar on 23.1.2011. Further the S.D.O., Paliganj informed that in Dulhin Bazar, a seed vendor has been arrested on the information that he was found committing black marketing of government seeds. Prior to that one Krishna Dayal Yadav,



Chairman of Farmer Advisory Committee, Dulhin Bazar, Patna (Atmadhyaksha) had made written information that Sri Prem Kumar Singh, Block Agriculture Officer, Dulhn Bazar is indulged in black marketing of government seeds. He had also stated about arrest of Shyam Nandan Singh Verma red handed from the shop of Brij Nandan Sah and also about seizure of seeds.

On the basis of the aforesaid written report Dulhin Bazar P.S.Case No.06/2011 has been instituted against the petitioner, which was pending for investigation at the time of passing impugned order. Now it has been informed by the learned counsel for the petitioner that the charge-sheet has been submitted in this case.

The petitioner had prayed before the court below for release of the seized articles as well as for unlock the seeds shop. It further appears from perusal of the record that the same has been dismissed by the court below vide order dated 27.08.2011 on the ground that investigation is in the initial stage. However, now investigation has been concluded, as submitted by the petitioner.

Hence, the learned counsel for the petitioner seeks



permission to withdraw this application, so as to raise all these points again before the court below.

Heard learned A.P.P. also.

Having heard both sides and on the basis of submission of the learned counsel for the petitioner, let this application is dismissed as withdraw with liberty to the petitioner to move before the learned court below again for release of the seized articles as well for unlocking the seeds shop and the learned court below will dispose of the same on its own merit on the basis of materials available on the record and without being prejudiced by the order of this court.

With the aforesaid observation this application is disposed of.

(Vinod Kumar Sinha, J)

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