

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.36016 of 2012**

Arising Out of PS. Case No.-1 Year-2012 Thana- KAARAMCHAT SAHAYAK District-  
Bhabhua (Kaimur)

=====

Sita Ram Sah, Son of Late Shee Janam Sah, resident of village- Jajalpur,  
Police Station, Karamchat, District- Kaimur.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Syed Asgher Najmi, Advocate  
For the State : Mr. Madan Kumar, APP

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**CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH**  
**ORAL JUDGMENT**

**Date : 26-11-2018**

Heard learned counsel for the petitioner and learned  
A.P.P. for the State.

2. The petitioner has moved the Court for the  
following reliefs:

*“That this is an application for quashing the  
order dated 18.5.2012 passed in Supply  
confiscation case no. 6/2011-12 arising out of  
Karamchat P.S. Case no. 7/2012-13  
1/12/Collector – cum - District Magistrate  
Kaimur (Bhabhua) whereby the learned  
authority has seized the tractor of petitioner  
bearing tractor no. BR-45-0476 Under*



*Section 6(A) of the Essential Commodities  
Act.”*

3. At the very outset, learned A.P.P. raised a preliminary objection with regard to maintainability of the application. He submitted that the order passed is a statutory order by an officer of the State and the same has visited the petitioner with civil consequences and, thus, filing of a criminal miscellaneous case for quashing is not permissible.

4. The Court finds substance in the objection of learned A.P.P.

5. In the considered opinion of the Court, the present application, as criminal miscellaneous case under Section 482 of the Code of Criminal Procedure, 1973, is misconceived. Accordingly, the application stands disposed off with liberty to the petitioner to move before the appropriate forum, in accordance with law, for the reliefs sought for in the present application.

6. Learned counsel for the petitioner submitted that the time spent before this Court was under misconception and, thus, it may not go against him when he approaches the appropriate forum.



7. In view of the apprehension expressed by learned counsel for the petitioner, the Court would only observe that the authority concerned shall take into consideration the fact that the petitioner had moved this Court and the matter was pending here for quite some time.

**(Ahsanuddin Amanullah, J)**

Anjani/-

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