

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.62676 of 2017

Arising Out of PS. Case No.-507 Year-2016 Thana- KADAMKUAN District- Patna

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Sunil Kumar, Son of Late Amarnath Sah, Resident of Mohalla- Daldali Road,
P.S.- Kadam Kuan, P.O.- Kadam Kuan, District- Patna (Bihar).

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Saket Tiwary

For the Opposite Party/s : Mr. Sri Pradeep Narain Kumar

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

3 17-09-2018 The present application has been preferred seeking quashing of the order dated 22.06.2017 passed by learned A.C.J.M. VII, Patna in Kadam Kuan P. S. Case No. 507 of 2016 (GR No. 8119/16) by which the application preferred by the petitioner for release of 103 Tin of Fortune Soyabean Refined Oil has been rejected.

Learned counsel for the petitioner submits that the 103 Tin of Fortune Soyabean Refined Oil were seized by the Police on frivolous allegations that those are mixed oil not fit for consumption, the petitioner was arrested and the Soyabean oil were seized but when the samples were sent for testing, the test report available on the record as Annexure-3 have been received showing that the sample of Fortune Soyabean Refined Oil confirmed to the parameters. It is submitted that the seizure



is not only illegal but also by way of harassment to the petitioner.

Learned counsel for the State is present.

In the facts and circumstances stated hereinabove, considering the fact that the test report are not indicating that these Soysbean Oil are not fit for consumption of human being, this Court directs the release of the same forthwith in favour of the petitioner.

Learned counsel for the petitioner at this stage seeks permission of this Court to allow him to file an interlocutory application challenging the order taking cognizance in the present case and for other reliefs.

However, the prayer is not allowed at this stage. The petitioner is given liberty to file an appropriate application challenging the order taking cognizance and such other reliefs which may be prayed for on behalf of the petitioner.

This application is allowed to the extent indicated above.

(Rajeev Ranjan Prasad, J)

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