

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23208 of 2016

Arising Out of PS. Case No.-121 Year-2015 Thana- JHAJHA District- Jamui

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Rajeev Kumar @ Raju Kumar, Son of Late Sahan Prasad, Resident of Telwa Bazar, Simultalla, P.S.-Simultalla, District-Jamui.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Satya Prakash Parasar, Adv
For the Opposite Party/s : Mr.Sucheta Yadav, APP

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL JUDGMENT

Date : 24-07-2019

Filing of supplementary affidavit and counter affidavit are accepted. Due to inadvertence, learned counsel for the opposite party has made some mistake in the counter affidavit. The same be ignored.

2. Heard learned counsel for the parties.

3. Truck of the petitioner bearing Registration No.JH04A-1795 was seized as it was allegedly carrying controlled foodgrains for blackmarketing.

4. The prayer of the petitioner for release of the truck was refused by the learned Sub-Divisional Judicial Magistrate, Jamui in Jhajha P.S.Case No.121 of 2015 on 10.11.2015 on the ground that a confiscation proceeding is going on. The said order was challenged by the petitioner in Cr. Revision No.103 of 2015



before the learned Sessions Judge, Jamui and the revision application was also dismissed on 29.02.2016 on the same ground that the confiscation proceeding is going on. Both orders i.e. of the Magistrate as well as of the revisional court are challenged in this application under Section 482 Cr.P.C.

5. The counter affidavit of the State shows that no confiscation proceeding has been initiated up-till-now in respect of the seized vehicle.

6. No purpose is going to be served by continued detention of the vehicle in the police lock up. Hence, the impugned orders are hereby quashed and the prayer of the petitioner for release of the vehicle is allowed on execution of surety bond of Rs.5,00,000/- (Five Lacs) along with two sureties to the satisfaction of the learned Sub-Divisional Judicial Magistrate, Jamui.

7. Accordingly, this application stands allowed.

(Birendra Kumar, J)

Nitesh/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	26.07.2019
Transmission Date	26.07.2019

