

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23625 of 2021

Arising Out of PS. Case No.-82 Year-2019 Thana- MAGADH UNIVERSITY District- Gaya

RAJ KUMAR SON OF LATE RAJENDRA PRASAD Resident of Village -
Aadarsh nagar, Quarter No.241, P.S.- Dhurva, Distt.- Ranchi , State
Jharkahand.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Umesh Prasad,Advocate

For the Opposite Party/s : Mr.A.M.P. Mehta,APP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL JUDGMENT

Date : 17-05-2023

This application has been filed for quashing order dated 11.01.2021, passed by the learned Judicial Magistrate 1st Class, Gaya in Magadh University P.S. Case No. 82 of 2019 (G.R. No. 4111 of 2019) registered for the offence punishable under Sections 414, 428, 429, 279 of the Indian Penal Code, Sections 4, 4(A), 4(B) of Bihar Preservation and Improvement of Animal Act, 1955, Rule 125E of Central Motor Vehicle Rules, 1989, Rules 96, 97, 98 of Transport of Animals (Amendment) Rules, 2009 and Section 11, 20 of P.C.A. Act, 1960, by which the learned Magistrate has rejected the prayer of petitioner for release of his seized truck, bearing Registration no. JH01AU-7439.

2. In the F.I.R., the informant has alleged in her written complaint that on a truck, 29 cattle were being transported for unlawful purpose and on receipt of said information, when police



intercepted the said truck, the driver and the cleaner had fled away and the vehicle was seized.

3. It is submitted on behalf of the petitioner that petitioner is owner of the truck, vide Registration no. JH01AU-7439, which has been seized on the ground that animals were found loaded on it. It is further submitted that petitioner has already sold said truck on 25.07.2019 to one Ekakh Kuraisi and the said truck was not in use of the petitioner and the petitioner had no knowledge of carrying of animals. In this regard, petitioner has annexed Annexure – 4, which is report dated 20.10.2020 of the D.T.O. Ranchi and report dated 22.12.2020 of the I.O. It is next submitted that no useful purpose would be served by keeping the vehicle at the police station in the open sky getting it rotten day-by-day. Petitioner undertakes that he would comply with the terms and conditions imposed by the Court.

4. Learned A.P.P. for the State vehemently opposes the application.

5. Considering the submissions made on behalf of the parties, this Court is of the opinion that no useful purpose would be served by keeping the vehicle of the petitioner lying in the police station in open sky. Accordingly, in view of the aforesaid



facts and circumstances, impugned order dated 11.01.2021, being erroneous and unjust, is quashed and set aside.

6. Learned Court below is directed to release the Truck, bearing Registration no. JH01AU-7439, in favour of its owner/the petitioner within a period of four weeks from the date of receipt/production of copy of this order on the terms and conditions as may deem fit and proper.

7. With above observation and direction, the petition is allowed.

(Prabhat Kumar Singh, J)

Anay/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	
Transmission Date	

