

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31253 of 2015

Arising Out of PS. Case No.-426 Year-2012 Thana- DEHRI TOWN District- Rohtas

1. Sanjay Kumar Son of Kedar Nath Sharma Resident of Mohalla S.K. Nagar Bramharshi Chauk P.S. Aurangabad, District Aurangabad.
2. Rajesh Paswan Son of Late Chhathu Paswan Resident of Village Jasoiya Tola Kanhar Bigha P.S. Aurangabad, District - Aurangabad.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjay Kumar Tiwary

For the Opposite Party/s : Mr. Satyendra Prasad, App

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR

ORAL ORDER

5 17-02-2023 Learned counsel for the petitioner is permitted to remove defect(s), as pointed out by the office, if any, within a period of four weeks from today.

Heard learned counsel for the petitioner and learned Additional Public Prosecutor for the State.

This petition has been filed for quashing the order dated 11.03.2014 passed by the learned Judicial Magistrate, 1st Class, Dehri-on-Sone taking cognizance in Dehri (T) P.S. Case No. 426/2012).

The police intercepted a truck after a chase at 10:00 p.m., loaded with illegal stone chips without *challan*. The petitioner who was the driver of the truck was arrested on the spot, however, the *Khalasi*, managed to escape.



Learned counsel for the petitioner submitted that the trial is still pending and there has no progress.

Considering the report of the Assistant Mining Officer, Palamu, Medninagar that the stone chips have extracted legally and taking into considering the submission of learned counsel for the petitioner, this application is allowed.

Accordingly, the order dated 11.03.2014 passed by the learned Judicial Magistrate, 1st Class, Dehri-on-Sone taking cognizance in Dehri (T) P.S. Case No. 426/2012) for the offences punishable under Sections 379/411/120(B) of the Indian Penal Code, 4(A-1), 21(1) Development and Exchange Act, 26 Indian Forest Act and 40(1) of the Bihar Mines Act is hereby quashed.

(Sandeep Kumar, J)

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