
(2012) 04 PAT CK 0038

In the Patna High Court

Case No : Criminal Miscellaneous No. 41191 of 2011

Amitabh Bachan @ Amitabh Bachan Ram and Another

APPELLANT

Vs

The State of Bihar and Another

RESPONDENT

Date of Decision : 24-04-2012

Acts Referred:

Essential Commodities Act, 1955 — Section 7

Citation : (2012) 4 PLJR 421

Hon'ble Judges : Rakesh Kumar, J

Bench : Single Bench

Final Decision : Dismissed

Judgement

Rakesh Kumar, J.—Heard Shri Manoj Kumar, learned counsel for the petitioners and Mr. Md. Fahimuddin, learned Additional Public Prosecutor. Two petitioners, who are claiming to be owner of tractors bearing registration no. BR-24B-6896 and another without registration number, have approached this Court, while invoking its inherent jurisdiction with a prayer to quash an order dated 14.10.2011 passed by Sub-Divisional Judicial Magistrate, Rohtas at Sasaram in G.R. No. 360 of 2011/Trial No. 4090 of 2010 arising out of Kochas P.S. Case No. 16 of 2011 registered u/s 7 of the Essential Commodities Act. By the said order, the learned Magistrate has rejected the petition filed on behalf of the petitioners for release of tractors. It was submitted by learned counsel for the petitioners that by keeping the vehicle in question in open sky will virtually destroy the vehicle in question and no purpose would be served and it requires an order for release.

2. In support of his submission, learned counsel for the petitioners has relied on a single Bench order of this Court reported in 2010(1) East.Cr.C. 298 (Pat.) (Uday Kumar Karhari vs. State of Bihar & Anr.). He submits that in similar situation, this Court had directed for release of the seized vehicle and as such in the present case also, direction be issued for releasing the vehicle in question.

3. Learned Additional Public Prosecutor, while opposing the prayer of the petitioners, has argued that the order impugned requires no interference on the simple reason that the vehicle in question was seized in connection with aforesaid case registered for the offence u/s 7 of the Essential Commodities Act and after the seizure, confiscation proceeding under the Essential Commodities Act has already been initiated. He submits that if there is statutory provision for dealing with a seized article and also provision for appeal, this Court may not exercise inherent jurisdiction and direct for releasing the vehicle in question. Learned Additional Public Prosecutor has also referred to the averment made in the counter affidavit filed on behalf of opposite party no. 2, wherein it has been made clear that confiscation proceeding for confiscating the vehicles in question has already proceeded.

4. In view of the fact that confiscation proceeding is going on and there is provision for appeal also, this Court may not interfere with the order impugned or pass an order for release of the vehicles in question. In Uday Kumar Karhari's case (supra), it is evident that this Court had called for report regarding initiation of confiscation proceeding and no reply was received.

5. Accordingly, the facts and circumstances of the present case is not similar to the case of Uday Kumar Karhari (supra) and no benefit can be given to the petitioners on the strength of the said decision. Accordingly, I do not find any ground for interference with the impugned order. The petition stands dismissed.