

Rohit Kumar Sahu Vs. the State of Jharkhand

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Court : Jharkhand

Decided On : Apr-15-2013

Appellant : Rohit Kumar Sahu

Respondent : The State of Jharkhand

Judgement :

IN THE HIGH COURT OF JHARKHAND, RANCHI Cr. M. P. No. 352 of 2013 Rohit Kumar Sahu Petitioner(s) Versus The State of Jharkhand . Opp. Party(s)
CORAM: HONBLE MR. JUSTICE R. R. PRASAD For the Petitioner(s) : Mr. K. S. Nanda, Advocate. For the State : Mr. Prem Prakash, A.P.P. ----- 02 / 15.04.2013.
Heard learned counsel appearing for the petitioner and learned counsel for the State. Mr. Nanda, learned counsel appearing for the petitioner submits that while the petitioner was riding on a Motorcycle bearing Registration not JH 07.2476, it was intercepted by the Police and on search being made, the petitioner was found in possession of fire-arm and on that allegation as well as on the allegation that the petitioner was making preparation of committing dacoity, a case was registered under the Arms Act as well as under Section 399 I.P.C. When the petitioner was admitted to bail, an application for release of the vehicle was also filed which was rejected simply for the reason that Engine Number given over the Motorcycle as DJGBTJ03926 is not matching with the Engine number given in the seizure list as DJGDTJ 03926 That order has been challenged. Having heard learned counsel appearing for the petitioner, it does appear that it has been admitted fact that the Motorcycle was seized while it was in possession of the petitioner. However, the prayer for release was rejected on the ground that the

Engine number does not match the number given in the seizure list though except one letter all the digits and the letters are the same. Possibility is there of recording wrong letter of the Engine number in the seizure list on account of carelessness. Accordingly, the court below does not seem to be justified in rejecting the prayer for release. Thus, the impugned order dated 10.09.2012 is hereby, set aside. Consequently, the Motorcycle bearing Registration No. JH 07.2476 is directed to be released in favour of the petitioner on executing bond of Rs.35,000/- with one surety and on production of the documents relating to the vehicle and also on giving undertaking that whenever Motorcycle is required it would be produced before the court below. In the result, this application stands allowed. Sandeep/ (R. R. Prasad, J.)

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