

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.39832 of 2014

Arising Out of PS.Case No. -41 Year- 2010 Thana -C.B.I CASE District- PATNA

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1. Qudsia Bano @ Shagufta Yasmin Wife of Syad Sadique Hussain
2. Sufia Sadique Wife of Tanvir Haidar Daughter of Syed Sadique Hussain
3. Syed Mudassir Hussain Son of Syed Sadique Hussain Resident of
Magistrate Colony, P.S.- Rajiv Nagar, District - Patna

.... Petitioner/s

Versus

1. The State of Bihar Through Vigilance Investigation Bureau Department,
through its Additional Director General Surpentine Road, Patna

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Raj Nandan Prasad, Adv.

For the Opposite Party/s : Mr. Ramakant Sharma (Law Off. Vig)

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH
ORAL ORDER

8 07-05-2015 Counsel for the petitioners is permitted to withdraw
the application so far as the Petitioner no. 3 is concerned.

The Petitioners no. 1 and 2 who happen to be the wife
and daughter of accused Syad Sadique Hussain seek quashing of
the order dated 08.01.2014 by which the Special Judge Vigilance
(Trap) Patna refused to release the Jewellery seized in connection
with Special Case No. 27 of 2010 arising out of Vigilance P.S.
Case No. 41 of 2010.

It appears that such a prayer was refused by the Court
below on 08.01.2014 on the ground that a D.A. Case was pending
which as has been noted in Cr. Misc. No. 39081 of 2014 was
initiated only in April 2015 in regard to release of such articles.

Be that as it may, in the light of the decision of the Hon'ble Apex Court the court below is directed to get the Jewellery articles photographed weighed and a proper inventory be prepared and thereafter release it to the petitioners on furnishing bond by the petitioners within three weeks. It is made clear that the release is subject to the outcome of the confiscation proceeding and the petitioner shall produce the same as and when required by the Court or else face legal consequences.

This Court makes it clear that it has not expressed its mind on the veracity of the claim of the accused.

With these observations, the application stands disposed off.

(Anjana Prakash, J)

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