

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.46864 of 2012

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1. Raghav Prasad Das S/O Late Bhukhal Das R/O Mohalla-Nauranga Bagh,
P.S.-Bettiah Town, Distt-West Champaran

.... Petitioner/s

Versus

1. The State Of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Amrendra Nath Verma, Adv.

For the Opposite Party/s : Mr. Shailendra Kumar no.1 (App)

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
ORAL ORDER

3 23-04-2015 Heard learned counsel for the petitioner and the State.

In this case, petitioner is challenging the order dated 6th October 2010 passed Chanpatia P.S.Case No. 52 of 2009 and also the order of the revisional court dated 9th March 2011 passed in Cr. Revision No. 211 of 2010.

It appears that Splendor Plus Motorcycle bearing Regd. No. BR22F / 8034 was intercepted and Chanpatia P.S.Case No. 52 of 2009 was registered for offence u/s 489(A), 489(B) and 489(C) IPC. Allegation has been made that Police on secret information intercepted motorcycle along with counterfeit notes, the said motorcycle was seized which is lying in the premises of Police Station.

Application was filed for release of the said motorcycle but the court below has refused to release on account

of same being material exhibit. The revisional court affirmed the view that of lower court.

It is submitted that if the motorcycle will remain under the vagaries of nature, it will turn to junk and ultimately it will be of use of none and ultimately it will be a national loss.

Counsel for the petitioner undertakes whenever the petitioner would be directed to produce the motor-cycle, he will produce the same and submits that the petitioner will deposit the original documents in the court with respect to the motor-cycle for future reference.

In view of this undertaking, this court directs release of the motor-cycle in favour of petitioner, subject to the condition that he would deposit the original records of the motorcycle in the court, including the owner book and will carry himself the photo copy of the same. Whenever the court will direct, petitioner will produce the motorcycle and during the trial, he will not change the feature of the motor-cycle. Before release, the court below will verify the records of the motor-cycle properly.

With the above observation/direction, this petition is disposed of.

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(Shivaji Pandey, J)