

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No. 957 of 2015

Arising out of P.S. Case No. -22 Year- 2014 Thana -
MUZAFFARPUR SADAR District- MUZAFFARPUR

- =====
1. Sunita Devi Wife of Rajendra Mahto.
 2. Rajendra Mahto Son of Late Faguni Mahto Both are residents of Vill-Ujiyarpur Belari,P.S-Ujiyarpur,District-Samistipur.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Suresh Mishra Son of not known then Posted as S.H.O, Sadar Police Station Muzaffarpur.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Nachiketa Jha, Adv.

For the Opposite Party/s : Ms. Nirmala Kumari, APP.

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 23-04-2015

The Petitioners seek quashing of the order dated 19.09.2014 passed by the 4th Additional Sessions Judge, Muzaffarpur in S.Tr. No. 376 of 2014 arising out of Sadar P.S. Case No. 22 of 2014 by which he has refused to release Rs. 44,500/- and two mobile phone sets with SIM bearing its Nos. 9006460089 and 8809059261 in favour of the Petitioners.

The case of the Informant is that on the date of occurrence some persons were arrested along with five gunny bags of betel nuts to be sold without valid license. In course of search two mobile phone sets and Rs. 44,500/- were recovered from the Petitioners.

It has been submitted that the aforesaid articles

have no connection with the betel nuts and, hence, such refusal was unjustified.

Considering that these articles are perishable in nature which should not be detained, the order dated 19.09.2014 passed by the 4th Additional Sessions Judge, Muzaffarpur in S.Tr. No. 376 of 2014 arising out of Sadar P.S. Case No. 22 of 2014 is, hereby, set aside.

The application is allowed.

The Court below is directed to hand over the aforesaid money and mobile phone sets in favour of the Petitioners after due verification within a period of three weeks from the date of receipt of this order on an undertaking of the Petitioners that they shall produce the articles as and when required by the Court.

Vikash/-

(Anjana Prakash, J.)

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