

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.43771 of 2013

Arising Out of PS.Case No. -13 Year- 2013 Thana -C.B.I CASE District- PATNA

1. Sanjay Kumar, S/O Arjun Prasad, R/O Ramjeechak, P.O. - Bataganj, Digha,
P.S. - Digha, Dist. - Patna

.... Petitioner/s

Versus

1. The State of Bihar through the Vigilance

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Hemant Kumar, Advocate

For the Opposite Party/s : Mr. Ramakant Sharma, LO, I/c, Vigilance

CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 26-03-2015

1. The Petitioner seeks quashing of the order dated 07.09.2013 by which the Special Judge, Vigilance-1, Patna, has rejected the application for release of Scorpio vehicle bearing registration no.BR 01 PC- 9116 and Pulsar Motorcycle bearing number BR 01 AS 7512 seized in connection with Special Case No.14 of 2013 arising out of Vigilance P.S. Case No.13 of 2013.

2. The Petitioner happens to be the son of the main accused, who was found to have amassed disproportionate assets.

3. Submission of the Petitioner is that vehicles are hypothecated to the bank having been taken on loan and he is ready to refund the value of the vehicles on final disposal of the case if his father is convicted.

4. On the other hand, counsel for the Vigilance submits that evidently vehicles are Benami property of his father since the Petitioner was not in a position to purchase the same.

5. Considering that such articles are perishable in nature and no good will come out by keeping the same within the police station where it will be subject to decay, I would be of the view that it is in everyone interest that the vehicles be released in favour of the Petitioner.

6. Accordingly, the court below shall look into the documents of the vehicles and release the same on the sureties to be fixed by the Court below itself within a period of three weeks from the date of receipt/production of a copy of this order. However, the Petitioner shall give an undertaking before the Court concerned that he will refund the present value of the vehicles if and when his father is convicted and such a demand is made upon him.

7. The application stands disposed off with the aforesaid observation.

(Anjana Prakash, J)

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