

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.25100 of 2013**

Arising Out of PS.Case No. -18 Year- 2012 Thana -PANDARAK District- PATNA

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Amit Sharma son of Sri Kailash Chandra Sharma Resident Of Palam Rawai  
Adda, RZF 38/7, Gali No. 38, Saad Nagar Palam Colony, P.S.- Palam,  
District- Nazabgarh

.... .... Petitioner/s

Versus

The State Of Bihar

.... .... Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Sandeep Kumar

For the Opposite Party/s : Mr. Abhay Kumar 1 (App)

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**CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR**  
**ORAL ORDER**

4      24-11-2016                      Heard Sri Sandeep Kumar, learned counsel for the  
  
petitioner and Sri Abhay Kumar No. 1, learned Additional Public  
  
Prosecutor .

The petitioner who is accused in Pandarak P.S. Case  
No. 18 of 2012 registered for the offence under section 399, 402,  
414 of the Indian Penal Code and section 25 (1-A) , 26, 35 of the  
Arms Act has approached this court invoking its inherent  
jurisdiction under Section 482 of the Code of Criminal Procedure  
1973 with a prayer to quash an order dated 2.4.2013 passed by  
learned Additional Sessions Judge 3<sup>rd</sup> , Barh . By the said order  
application filed by the petitioner dated 18.5.2012 for release of  
his mobile was rejected.

It was submitted by learned counsel for the petitioner

that it is not in dispute that petitioner is the owner of the said mobile and as such he was entitled to get the mobile however learned Additional Sessions Judge without appreciating grievances of the petitioner has rejected the same.

Learned Additional Public Prosecutor submits that the said mobile was seized. It has been kept for being exhibited.

In view of the fact that the seized article is to be used as exhibit as well as nature of article i.e. a mobile, I do not find any ground for interference with the impugned order.

The petition stands disposed of.

**(Rakesh Kumar, J)**

Praful/-

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