

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Writ Jurisdiction Case No. 1528 of 2017

Arising Out of PS.Case No. -null Year- null Thana -null District- PATNA

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ASHOK KUMAR SINGH @ ASHOK SINGH, S/o Late Inder Kumar Singh, R/o
Driver Colony, Birchand Patel Marg, P.S. - Kotwali, District - Patna

.... Petitioner

Versus

1. The State of Bihar through Director General of Police, Police Headquarter, Old Secretariat, Patna
2. The Inspector of Police, being posted at present at P.S. - Kotwali, Patna
3. Vijay Kumar, the Investigating Officer (IO), P.S. - Kotwali, Patna
4. The Deputy Superintendent of Police, (Law and Order) Officiating from P.S. - Kotwali, Patna
5. The City Superintendent of Police, North Gandhi Maidan, Patna
6. The In-charge of the police Laboratory for ballistic report, Bailey Road, Patna

.... Respondents

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Appearance :

For the Petitioner : Mr. Ravi Shankar Ganguli, Advocate

For the Respondents : Mr. Lalit Kumar, Advocate General

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR

ORAL JUDGMENT

Date: 05-12-2017

Heard learned counsel for the parties.

2. The rifle and cartridges of the petitioner was seized
in connection with Kotwali P.S. Case No. 539 of 2016 along with the
licence of the said rifle.

3. The petitioner filed a petition before the learned
Chief Judicial Magistrate, Patna for release of the rifle and live
cartridges.

4. The learned Chief Judicial Magistrate, Patna called
for a report from the Investigating Officer of the case on the point of
release of the firearm.

5. The Investigating Officer had not sent any report,



hence, this writ application was filed with a prayer to hold and declare that ballistic report should not be prepared after a lapse of a certain period of time since due to lapse of time, it loses the sign of use.

6. The aforesaid direction cannot be issued because the law takes its own course and the respondents are conscious that every forensic examination should be conducted at the earliest as per the rules.

7. Further prayer is for a direction to the respondents to release the rifle and cartridges to the petitioner.

8. By filing a counter affidavit, the State-respondents have stated that the report of the forensic laboratory was received on 21.11.2017 and soon thereafter the same was submitted to the learned Chief Judicial Magistrate, Patna. On 28.11.2017, the learned Chief Judicial Magistrate, Patna has passed order for release of the same on execution of surety bond of Rs.1,50,000/-.

9. Since grievance of the petitioner has substantially been redressed, this writ application stands disposed of.

(Birendra Kumar, J)

Kundan/-

AFR/NAFR	N.A.
CAV DATE	N.A.
Uploading Date	08.12.2017
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