

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.547 of 2013

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1. Gulshan Praveen, Aged About- 38 Years, Wife Of Md. Aftab, Resident
Of Mohalla- Sadpura, P.S.- Kazi Mohammadpur, District- Muzaffarpur
..... Petitioner

Versus

1. The State of Bihar
2. The Director General of Police, Bihar, Patna
3. The Inspector General of Police, Economic Offences, Bihar, Patna
4. The Dy. Inspector General of Police, Economic Offences, Bihar, Patna
5. The Superintendent of Police, Economic Offences Unit (E O U), Bihar,
Patna
6. Dy. Superintendent of Police, Economic Offences Unit (E O U), Bihar,
Patna
7. Sub-Inspector, Economic Offences Unit, Bihar, Patna Respondents

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Appearance :

For the Petitioner : Mr. Pramod Kumar, Adv.
For the State : Mr. A.K. Upadhaya, SC XX
For the EOU : Mr. Akhileshwar Prasad Singh, Sr. Adv. with
Mr. Rajeev Ranjan Prasad, Adv.

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

5 02-03-2017 Heard the learned counsel for the petitioner,
the State and the Economic Offences Unit.

This writ application under Articles 226 and 227 of the Constitution of India is for issuance of mandamus to declare entire search and seizure made by the officials of the Economic Offences Unit on 20.02.2013 in the premises of Senior Secondary Delhi Public School, situated at Sakra, Muzaffarpur, as illegal and without jurisdiction the petitioner is one of the trustees of the school.

At the time of arguments, the learned counsel for the petitioner orally prays to withdraw the aforesaid relief.

The second prayer is for issuance of writ in the nature of mandamus commanding the respondents to release/hand over all the seized articles to the



management of the Senior Secondary Delhi Public School as the entire search and seizure made by the Economic Offences Unit is null and void.

The respondents have filed counter affidavit stating therein that the search and seizure was made in connection with Economic Offences Unit P.S. Case No. 5 of 2013 instituted under Section 13(2) read with Section 13(1)(e) of the Prevention of Corruption Act against one Md. Yunus, the Enforcement Sub Inspector.

It is asserted in the counter affidavit that Md. Yunus had acquired disproportionate assets, which led to the institution of the said Economic Offences Unit P.S. Case No. 5 of 2013. Md. Yunus had established the Siddique Memorial Foundation in the name of his father. His son, Raju Arshad, is Secretary of the said Foundation, who has authorized to the petitioner, i.e., his sister to pursue the release matter. Therefore, the search and seizure of the Senior Secondary Delhi Public School, situated at Sakra, Muzaffarpur, running under the Siddique Memorial Foundation was in connection with a validly instituted case and within the provision of Criminal Procedure Code, which has been suppressed by the petitioner in the writ application.

The respondents, further, stated that the petitioner should have approached the Court below for release of the seized articles under the provisions of Criminal Procedure Code, which remedy the petitioner did not avail before approaching directly to this Court.

After hearing the parties and considering the



fact that search and seizure has been made in connection with validly instituted police case, the judicial remedy for release of the seized articles is there with the petitioner, which the petitioner is at liberty to avail.

This Court is not inclined to interfere with the matter in the facts and circumstances, stated above, in exercise of the extra ordinary jurisdiction.

This application stands **dismissed**.

(Birendra Kumar, J)

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