

HIGH COURT OF CHHATTISGARH, BILASPUR

WPCR No. 382 of 2017

Madhusudan Prasad S/o Shri Ganga Vishnu, Aged About 70 Years
I R S (Retd), Customs, Central Excise, Service Tax & Property Tax
Consultant, Resident Of A 284, Vikaspuri, N. Delhi - 110018.

---- Petitioner

Versus

1. State Of Chhattisgarh Through The Secretary, Department Of Home, Mantralaya, Mahanadi Bhawan, Secretariat, Naya Raipur, District Raipur Chhattisgarh.
2. Director General Of Police, Police Head Quarters, Naya Raipur, District Raipur Chhattisgarh.
3. Inspector General Of Police, Bilaspur Division, Bilaspur Chhattisgarh.
4. Superintendent Of Police, Bilaspur, District Bilaspur Chhattisgarh.
5. Station House Officer, Mahila Police Station, Bilaspur Chhattisgarh.

---- Respondents

For petitioner - Shri Amrito Das, Advocate.
For Respondent/State –Shri Suryakant Mishra, PL.
For intervener – Shri R.S. Marhas, Advocate.

Hon'ble Shri Justice Goutam Bhaduri

Order

7/12/2017

1. Instant petition is filed claiming the following reliefs:-
 - (i) That, this Hon'ble Court may kindly be pleased to direct respondent No.4 & 5 to hand over the passport to the petitioner.
 - (ii) That, this Hon'ble Court may kindly be pleased to issue an appropriate writ directing respondents No.1 & 2 to initiate appropriate proceedings against the concerned authorities as to how and for what reasons the passport of the petitioner was retained without there being any direction by the competent Court.
 - (iii) Any other relief, which this Hon'ble Court, may deem fit and proper, in the facts and circumstances of the case.

2. Learned counsel for the petitioner would submit that when the petitioner returned from UAE the moment he landed at the Indira Gandhi International Airport he was detained and without any seizure, the passport was kept by the police which would be evident from the Annexure P-1 and no formal seizure was made. Consequently, in view of the law laid down in case of **Suresh Nanda Vs. Central Bureau of Investigation** reported (2008) 3 SCC 674 passport in such a way cannot be kept as it would be impliedly amounting to impounding, which the police officer do not have power under the Act.

3. Learned State counsel on instruction submits that they are ready and willing to give back the passport.

4. In view of such submission, no purpose would be served to go into merits of this case as the police authorities have decided to return the passport. Accordingly the police is directed to return passport of the petitioner forthwith within further period of 15 days.

5. With such observation, the petition stands disposed of .

Sd/-

(Goutam Bhaduri)

JUDGE