

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4058 of 2018

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Gautam Kumar Singh, son of Sri Dilip Singh, resident of Mohalla
Bajrangpuram Road No. 2, Bhagwanpur, P.S. Sadar, District- Muzaffarpur.
... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Excise, Government of Bihar at Patna.
2. The District Magistrate, Muzaffarpur.
3. Superintendent of Excise, Muzaffarpur.
4. Station House Officer, Sadar Muzaffarpur Police Station, District Muzaffarpur.
5. Investigating Officer of Muzaffarpur Sadar P.S. Case No. 421/ 2017, District Muzaffarpur.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ravi Ranjan, Advocate
For the Respondent/s : Mr. Vikash Kumar -SC 11

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD

ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

2 07-03-2018 This writ petition has been filed seeking release of a Video Camera made in Japan seized by the police authorities in Muzaffarpur Sadar P.S. Case No.421 of 2017.

It is the case of the petitioner that the petitioner is the owner of the Camera in question and is a professional Videographer, who was covering the event in question, namely the birthday party, wherein the organizer of the event are said to have committed offence under the Excise Act for which an action is being taken. However, in the process, the Video Camera along with video footage captured therein has been seized by the police authorities and *inter alia* contending that



the petitioner has not committed any offence in covering the event as a Videographer and the Video Camera cannot be subject matter of confiscation proceedings in view of Section 56 of the Bihar Prohibition and Excise Act, 2016, this writ petition has been filed seeking release of the Video Camera.

Sri Vikash Kumar, learned counsel appearing for the respondents submits that the Video Camera has not been seized for confiscation purpose, but it has been seized to take out the video footage which is an evidence both in the confiscation proceedings and the criminal case pending against the organizer of the party in question and, therefore, at this stage, release of the Video Camera, which is nothing but a piece of evidence to be used in the criminal case would cause prejudice to the prosecution.

Having heard learned counsel for the parties, we are of the considered view that what is required by the prosecution in the criminal case is a video footage available in the video camera and not the entire camera itself. Therefore, interest of justice would be met in case liberty is granted to the petitioner to file an appropriate application before the criminal Court where the criminal case is pending seeking release of the video camera after preserving the video footage available in the video camera.



Accordingly, we grant liberty to the petitioner to file an appropriate application before the Criminal Court. The Criminal Court shall take cognizance of the application, pass appropriate orders in accordance with law for preserving the video footage available in the Video Camera, thereafter pass appropriate orders for the release of the Video Camera to the petitioner. The learned Criminal Court shall pass appropriate order on the application within 15 days from the date of receipt of a certified copy of the order along with the application.

(Rajendra Menon, CJ)

(Rajeev Ranjan Prasad, J)

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