

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Writ Jurisdiction Case No.882 of 2018

Arising Out of PS.Case No. -15 - 2017 Thana –Jhanjarpur, District- MADHUBANI

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Ramanand Bhandari, Son of Ram Jatan Bhandari, resident of Village- Jhanjarpur
(East Tol), Ward No. 3, P.S. Jhanjarpur, District Madhubani.

.... Petitioner/s

Versus

1. The State of Bihar Through Its Principal Secretary, Excise Department, Govt. of Bihar, Old Secretariat, Patna.
2. The District Magistrate Madhubani.
3. The Superintendent of Police, Madhubani.
4. The S.H.O. Jhanjarpur Police Station, Madhubani.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr.Gagan Deo Yadav

For the Respondent/s : Mr. Vikash Kumar(SCXI)

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD

ORAL JUDGMENT

Date: 03-05-2018

The present application has been preferred for release of the currency notes of Rs.18,330/-(Eighteen Thousand Only), which has been seized by the S.H.O, Jhanjarpur Police Station, in connection with Jhanjarpur P.S.Case No.15 of 2017 dated 28.01.2017 registered under Sections-290, 272, and 273 of the Indian Penal Code and 30 (a)/37 (b), (c) of the Bihar Prohibition and Excise Act, 2016.

Learned counsel for the petitioner submits that the vehicle in question was earlier seized with some amount of illicit liquor however the vehicle has already been ordered to be released provisionally. The petitioner has now moved this Court seeking



release of the money. He also submits that the petitioner is ready and willing to abide by such terms and conditions which may be imposed by this Court for the purpose of release of the seized vehicle.

On the other hand, learned counsel representing the State submits that the money was also recovered from the dicky of the motorcycle and there are reasons to believe that this money has been earned by the petitioner by sale of illicit liquor and, therefore, it may be an evidence to that extent.

Having heard learned counsel for the petitioner and learned counsel representing the State, this Court is of the considered opinion that the currency notes of Rs. 18,330/-(Eighteen Thousand Only), may be released in favour of the petitioner on his furnishing two sureties bonds to the extent of the value of the amount to the satisfaction of the District Magistrate, Madhubani. Before release of the currency notes, a list containing the denomination of the notes shall be prepared which will be certified in presence of the petitioner and shall be kept on record of the case which will be used as a secondary evidence if so required. Learned counsel submits that the petitioner will not question the secondary evidence in course of trial of the case.

This Court is taking this view considering the fact that at this stage there is no prima-facie material to connect the money



with the trade of illicit liquor as is being submitted and no confiscation proceeding in respect of the money is pending. The release will be subject to furnishing the sureties as stated above within a period of one week from the date of submission of the surety bonds.

The application stands disposed off.

(Rajeev Ranjan Prasad, J)

Arvind/R.R.Ojha

AFR/NAFR	N/A
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