

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.1369 of 2018

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Birendra Sah S/o Late Baleshwar Sah, R/o Vill.- Malinagar Simri, P.O. & P.S.- Chak Maheshi, District- Samastipur.

.... Petitioner

Versus

1. The State of Bihar, Through The Chief Secretary, Govt. of Bihar, Patna.
2. The Director General of Police, Govt. of Bihar, Patna.
3. The Inspector General of Police, Tirhut Range, Muzaffarpur.
4. Sri Deepak Ranjan, S.P., District – Samastipur.
5. Sri Sanjay Singh, the then Officer- Incharge, Chak Mahesi P.S., District- Samastipur.
6. Sri Sumit Singh, the then Officer Incharge, Chak Mehesi P.S., Samastipur.
7. Sri Santosh Kumar Yadav, at present Officer Incharge, Chak Mahesi P.S., District- Samastipur.

... Respondents

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Appearance :

For the Petitioner/s : Mr. Diwakar Prasad Karn

For the Respondent/s : Mr. Md. Raisul Hoda Haque (Sc1)

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2. 24-07-2018

The grievance of the petitioner is that even though the Tractor and Trailer, which were the subject matter of theft, have been now recovered by the Officer-in-Charge, Chak Mahesi Police Station, Samastipur (Respondent No. 6), the petitioner is unable to take release of the vehicles because the Officer-in-Charge has not submitted seizure list in the court of learned Chief Judicial Magistrate, Samastipur. Even though a counter affidavit has been filed on behalf of respondent no. 4, the counter affidavit does not disclose the correct position. It is stated in paragraph-13 of the counter affidavit that on an information the police personnel has seized the tyre and tractor in presence of two independent



witnesses and seizure list has been prepared but whether the said seizure list has been submitted in the court below or not, no statement has been made with that respect.

Considering the grievance of the petitioner and in the nature of the circumstances of the case wherein the seizure is admitted, the Investigating Officer of the case is directed to submit seizure list of the recovered vehicle and tyre in the court of learned Chief Judicial Magistrate, Samastipur within a period of three days from the date of receipt/production of a copy of this order, failing which it will be a case of contempt against him and he would be personally liable for the same. On filing of such seizure list in the court below, the petitioner may, if so advised, take appropriate steps for release of the vehicle and other materials, as the case may be, in accordance with law. On the petitioner filing such an application for release, the court below shall consider the same and dispose off within a period of 15 days from the date of filing of such application.

This application stands disposed of, accordingly.

(Rajeev Ranjan Prasad, J.)

Rajeev/-

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