

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11719 of 2018

Uday Kumar, S/o Late Vijendra Yadav, R/o Barma Sthan, PO- Biharsharif,
Near Murarpur Adda, Police Station- Laheri, District- Nalanda.

... .. Petitioner/s

Versus

1. The State of Bihar through the Secretary, Department of Home (Police), Bihar, Patna.
2. The Director General & Inspector General of Police, Bihar, Patna.
3. District Magistrate, Nalanda.
4. The Superintendent of Police, Nalanda.
5. The Station House Officer, P.S.- Deep Nagar, District- Nalanda.
6. The Excise Superintendent, Nalanda.

... .. Respondent/s

with

Civil Writ Jurisdiction Case No. 11639 of 2018

Dharmendra Yadav, S/o Shukali Yadav @ Sutali Yadav, R/o Mohalla- Gagan
Diwan, P.S.- Laheri, District- Nalanda.

... .. Petitioner/s

Versus

1. The State of Bihar through the Secretary, Department of Home (Police), Bihar, Patna.
2. The Director General & Inspector General of Police, Bihar, Patna.
3. District Magistrate, Nalanda.
4. The Superintendent of Police, Nalanda.
5. The Station House Officer, P.S.- Deep Nagar, District- Nalanda.
6. The Excise Superintendent, Nalanda.

... .. Respondent/s

Appearance :

(In Civil Writ Jurisdiction Case No. 11719 of 2018)

For the Petitioner/s : Mr.Sanjay Parasmani, Adv.

For the Respondent/s : Mr.Vikash Kumar, SC-11

(In Civil Writ Jurisdiction Case No. 11639 of 2018)

For the Petitioner/s : Mr.Sanjay Parasmani, Adv.

For the Respondent/s : Mr.Anil Kr. Sinha, GA-1

CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN

and

HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD

ORAL ORDER

(Per: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD)

4 08-01-2019 These matters have been listed under the heading ‘To be
Mentioned’ when it was pointed out by learned counsel for the
petitioner that in the order dated 18.12.2018 the direction for release
of the mobile phone has been issued but inadvertently the prayer for



release of cash amount of Rs.3500/- could not be addressed in the order in so far as CWJC No.11719 of 2018 is concerned.

It is pointed out that in paragraph 1 of the writ petition bearing CWJC No.11719 of 2018 the petitioner has prayed for release of Rs.3500/- and mobile phone of Oppo Company, therefore, the order dated 18.12.2018 be modified to the effect that the the cash amount of Rs.3500/- which is under seizure be also directed to be released.

In the facts and circumstances of the case we find that the petitioner has made prayer in paragraph 1 of the writ petition for release of the cash amount of Rs.3500/-, the order, however, does not mention the prayer for release of the cash amount. It is in the interest of justice we think it just and proper to modify the order dated 18.12.2018 to the extent that 'the cash amount of Rs.3500/- which was seized by the police shall also be released forthwith' in so far as CWJC No.11719 of 2018 is concerned.

In the order dated 18.12.2018 we have already recorded that there was no recovery of illicit liquor from the vehicle in question, therefore, no surety bond would be required to be submitted the same will apply in case of release of cash amount. The remaining order shall intact.

Let the order be communicated to the court below by Email.

(Jyoti Saran, J)

(Rajeev Ranjan Prasad, J)

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