

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.2464 of 2017

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Ashok Kumar Singh, son of Rajbali Singh, resident of village-Bhokhari,
P.S.-Kargahar, District-Rohtas.

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Excise Department.
2. The Officer-In-Charge of Mohania Police Station, District-Kaimur.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Arun Kumar Singh No.4
Mr. Dharmendra Kumar Singh, Adv.
For the Respondent/s : Mr. Anil Kumar Sinha (GA-1)
Mr. Amaresh Kumar Sinha, AC to GA-1.

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN
PRASAD
ORAL ORDER

4 30-01-2018 Heard learned counsel for the petitioner and learned
G.A.-I duly assisted by Assistant Counsel representing the State.

Pursuant to the last order passed by this Court, the
officer in-charge, Mohania police station is present in person. A
counter affidavit has been filed by him.

For the reasons explained by Mr. Anil Kumar Sinha,
G.A.-I, the counter affidavit is accepted and the personal
appearance of the officer in-charge, Mohania police station is
dispensed with.

The present writ application has been filed for
release of currency notes of Rs.1,03,300/- and one seized Samsung
mobile of black colour which were allegedly seized from the
possession of this petitioner in connection with Mohania P.S. Case



No.395 of 2017 registered for the offence under Sections 273 and 414/34 of the Indian Penal Code and Sections 30(a) and 38 of the Bihar Prohibition and Excise Act, 2016.

Learned counsel for the petitioner submits that no illicit liquor has been recovered from the possession of this petitioner and money and his mobile were seized by the police only on mere suspicion without there being any material to connect him with the offence alleged. He submits that presently no confiscation proceeding has been initiated in the matter and the petitioner is ready and willing to abide by the terms and conditions which may be imposed by this Court for the purpose of release of the seized articles.

On the other hand, Mr. Anil Kumar Sinha, learned G.A.-I submits that so far as release of the seized articles are concerned, it may be ordered to be released only on submission of the adequate surety to the satisfaction of the court below or the authority concerned.

In the facts and circumstances, this Court would direct for release of the seized currency notes of Rs.1,03,300/- along with seized Samsung mobile which were recovered from the possession of this petitioner subject to the condition that the petitioner shall furnish a surety bond of Rs.1,05,000/- (rupees one



lakh five thousand) (not in form of cash or Bank guarantee) with two sureties of the like amount to the satisfaction of the court below or the authority concerned, as the case may be. Before release of the money and seized mobile a list giving complete denomination and number of the notes which were allegedly seized from the possession of this petitioner will be prepared and the said list duly certified in presence of the petitioner may be kept on record to be used as a secondary evidence in course of trial or confiscation proceeding, as the case may be. The petitioner undertakes that he will not challenge the duly certified list in course of trial or confiscation proceeding, as the case may be. The petitioner further undertakes that in case he does not succeed in confiscation proceeding, if any initiated in this matter at any stage, he would be liable to compensate the State to the value of Rs. 1,03,300/- in accordance with law.

The application stands disposed of with the observations and directions made above.

(Rajeev Ranjan Prasad, J)

Arvind/-

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