

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.2695 of 2017
Arising out of Rail Chapra P.S. Case No.11 of 2017 District-Chapra

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1. Surendra Kumar S/o Late Shankar Prasad, R/o Village- Kayasth Toli,
Takiyapar, P.S.- Danapur, District- Patna.

.... Petitioner/s

Versus

1. The State of Bihar Through The Principal Secretary, Home (police)
Department, Bihar, Patna.
2. The Principal Secretary Excise and Prohibition Department Government
of Bihar, Patna.
3. The Director General of Police, Bihar, Patna.
4. The Superintendent of Police, Railway, Muzaaffarpur.
5. The S.H.O., Chapara, Rail P.S., Sonpur, Muzaaffarpur.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ravindra Kumar

For the Respondent/s : Mr. Anil Kumar Sinha (GA 1)

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN
PRASAD
ORAL ORDER

2 30-01-2018 Heard learned counsel for the petitioner and learned
counsel representing the State.

The present writ application has been filed for
release of 60 gram gold and Rs.7350/- which were allegedly
seized from the possession of this petitioner as he was found
involved in trading of illicit liquor.

Learned counsel for the petitioner 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 gold and cash.

On the other hand, Mr. Anil Kumar Sinha, learned G.A.-I submits that the confiscation proceeding has been initiated against the seized articles as it appears from the fact that the prosecution report has already been sent to the authorized officer. He further submits that so far as release of the seized articles is 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 gold and cash which have been seized from the possession of this petitioner subject to the condition that the petitioner shall furnish a surety in form of a bank guarantee or by deposit of original title deeds of immovable property lying within the jurisdiction of the court below/authority concerned or any other security of like nature valued at Rs. 1,50,000/- (one lakh fifty thousand) to the satisfaction of court below or the authority concerned. Before release of the cash amount 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 shall be kept on record which may be



used as 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. A photograph of the gold and panchnama shall also be prepared, certified and kept on record. 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 extent of value of Rs.1,50,000/- 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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