

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.1430 of 2017

Arising Out of PS. Case No.-180 Year-2016 Thana- GAURICHAK District- Patna

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Santosh Kumar son of Sri Azad Prasad, R/o Mohalla- Ram Murti Nagar, P.S.-
Hilsa, District- Nalanda Petitioner

Versus

1. The State Of Bihar
2. The Director General of Police, Bihar, Patna
3. The Superintendent of Police, Patna
4. The Sub-Divisional Officer, Patna City, Patna
5. The Officer in Charge, Gauri Chak P.S., Gaurichak, Patna
6. Jai Prakash Jitendra son of Sri Om Prakash Singh, Assistant Maha
Prabandhak of S.P.M.L., Company, Jinpura, P.S.- Bihta, District- Patna

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Rajeev Kumar
For the Respondent/s : Mr. Lalit Kishore(Ag)

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 29-10-2018 Heard learned counsel for the petitioner and learned
counsel representing the State.

The petitioner is aggrieved by the impugned order
passed in Cr. Rev. No. 79 of 2017 by learned Additional
Sessions Judge IX, Patna.

By the impugned order while the learned Additional
Sessions Judge IX, Patna has been pleased to allow the prayer of
the petitioner to release the seized Bolero vehicles on his
furnishing surety bonds of Rs. 5 lakhs each, the prayer of the
petitioner for release of Rs. 30,000/- cash has been rejected
saying that the same will be considered after the disposal of the
trial.



Learned counsel for the petitioner submits that in the first information report there is no allegation that this petitioner had indulged in snatching or taking away of cash. It is submitted that the cash has been recovered from the house of the petitioner and there is no reason why the same will be kept in the Malkhana over the years because the trial of the case is not likely to be concluded in near future. It is further submitted that the petitioner is ready and willing to abide by the terms and conditions for release of the cash. It is informed that the Police has given its no objection to release.

Learned counsel for the State has opposed the prayer for release, however, learned counsel accepts the position that even before conclusion of the trial a Panchnama of the cash may be prepared and the same may be used as secondary evidence in course of trial.

Having heard learned counsel for the petitioner and learned counsel for the State, this Court is of the considered opinion that the release of Rs. 30,000/- cash at this stage would be just and proper because it is not likely to affect the trial of the case if a little bit of exercise is done at this stage. Let the cash of Rs. 30,000/- recovered from the petitioner's house be released in his favour after preparing the Panchnama of the seized cash



containing the denomination and value of the amount. The said Panchnama shall be prepared by the prosecution within three weeks and will be certified by the petitioner which will be kept on the record and shall be used as secondary evidence in course of trial.

Learned counsel for the petitioner submits that he has instruction to say that in course of trial the petitioner will not challenge the said Panchnama. Learned counsel further undertakes that the petitioner will furnish the surety bond for the said amount of Rs. 30,000/-. This Court would direct him to submit the surety bond to the extent of the value of the cash and on his furnishing the said surety bond in the court below, the court below shall direct release of the cash in favour of the petitioner after the aforesaid exercise of preparation of Panchnama.

This application stands disposed off.

(Rajeev Ranjan Prasad, J)

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