

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.36130 of 2016

Arising Out of PS.Case No. -81 Year- 2014 Thana -RAMNAGAR District-
WESTCHAMPARAN(BETTIAH)

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Kalim Siddique, son of Late Abdul Gaffar, resident of Village-Raybari, Mahuwa,
P.S.- Ramnagar, District- West Champaran

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Anand Kishore Choudhary, Advocate

For the Opposite Party/s : Mr. Binod Kumar-2, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA

ORAL JUDGMENT

Date: 12-09-2018

1. This application under Section 482 of the Code of Criminal Procedure has been filed for quashing the order dated 01.06.2016 passed by learned 1st Additional District & Sessions Judge, Bagaha, West Champaran, in Sessions Trial No. 146 of 2016 arising out of Ramnagar P.S. Case No. 81 of 2014 by which the learned 1st Additional District & Sessions Judge, has refused to release the seized Motor-cycle bearing Registration No. BR-22-S-4661.

2. It is alleged in the written report lodged by the informant who is Police Inspector of Ramnagar P.S. that he along with police party on receiving confidential information, proceeded



towards Balmiki Nagar Road Station. When he reached near Durga Asthan, he saw Motorcycle was standing there and two persons were talking with someone else on their Mobile. Having seen the police party, the persons started fleeing away. The police party on chase apprehended them including petitioner. It is further alleged that Police recovered Rs.89,000/- and two Mobiles from possession of the petitioner. The seizure list was prepared by the police. The petitioner and other accused person told the police that they used to supply forged currency notes. The Motorcycle was also recovered from their possession.

3. Heard learned counsel for the petitioner and learned counsel for the State.

4. Counsel for the petitioner has submitted that he is registered owner of the Motorcycle. He is ready to produce all the relevant documents in support of ownership of the Motorcycle which was seized in connection with Sessions Trial No. 146 of 2016 arising out of Ramnagar P.S. Case No. 81 of 2014. Continuation of the Motorcycle in Police Station will only result in damage to same. It has further been submitted that petitioner is ready to produce the Motorcycle in the court below as and when required.

5. Counsel for the State has submitted that



Motorcycle was used for carrying forged currency notes by the accused persons.

6. This Court after looking into the impugned order is of the view that the court below has failed to appreciate the provision of Section 451 Cr. P.C. regarding release of Motorcycle during trial. The continuation of Motorcycle in Police Station will only amount to damage and loss. No useful purpose would be served in keeping the Motorcycle bearing Registration No. BR-22-S-4661 in Police Station. The merit of the case will be decided on the basis of evidence produced during trial and not on the basis of seizure of the Motorcycle by the Police.

7. Therefore the impugned order passed by the court below is not in accordance with law and the same is hereby quashed.

8. Petitioner is directed to file fresh petition in the court below for release of his Motorcycle within a period of one month from the date of receipt of this order, which will be considered by the court below in accordance with law after looking into Section 451 Cr. P.C. and on producing valid papers of the Motorcycle in question by the petitioner before the court below, the court below after being satisfied with the ownership of the vehicle on the basis of paper filed by the petitioner, will pass appropriate order in accordance



with law within a period of two months from the date of filing of such petition for release of the vehicle.

9. The application is allowed with aforesaid observation.

(Sanjay Priya, J)

S.Ali/-

AFR/NAFR	AFR
CAV DATE	N.A.
Uploading Date	24/09/2018
Transmission Date	24/09/2018

