

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.1075 of 2016

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Abhinandan Kumar S/o Late Surendra Prasad Sah, R/o Village- Rasna,
P.S.- Gwalpara, District- Madhepura.

.... Petitioner/s

Versus

1. The State of Bihar through the Vigilance, Patna
2. The Director General of Vigilance, Bihar, Patna.
3. The Superintendent of Vigilance, Patna.
4. The District Magistrate, Madhepura.
5. The Senior Deputy Collector, Madhepura, Sri Rakesh Kumar (Informant).
6. The Police Inspector-cum-Officer-in-Charge, Madhepura P.S., Madhepura.

.... Respondent/s

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Appearance :

For the Petitioner/s: Mr. Shailendra Kumar Singh, Adv.

For the State : Mr. Prashant Pratap, GP-2

Mr. Asit Kumar Jha, AC to GP-2

For the Vigilance : Mr. Rabindra Kumar, AC to Vigilance Law Officer.

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

5 05-02-2018 Heard learned counsel for the petitioner and learned

counsel representing the State as well as the learned counsel

representing the Vigilance.

From second supplementary affidavit it appears that

after demonetization on 08.11.2016, seized money has been

deposited in Bank.

The present writ application has been filed on

behalf of the petitioner for a direction to the respondents to release

the cash amount of Rs.1,27,860/-, S.B.I. Debit Card bearing

no.4591510106151041, HDFC Debit Card No.4363030402430987



and Samsung Galaxy Core Mobile phone of the petitioner which were allegedly seized from him at the time of raid conducted in the premises of D.T.O. office at Madhepura.

Learned counsel for the petitioner submits that a sale deed dated 21.02.2014 (Annexure-4) was executed by the petitioner against which he had received a sum of Rs.1,50,000/- as advance against the total sale price of Rs.4,00,000/-. He had gone with the said amount to the D.T.O. office on the said date for making payment to one Chhote Lal Sah with whom he had dealing in connection with a piece of land. On the very next date i.e. on 22.01.2014 when the raid was conducted in the premises of the D.T.O. office, Madhepura this petitioner was found in possession of cash and the aforesaid debits cards as well as mobile phone etc. These articles have been seized.

It is, however, submitted that apart from the police case, which is Madhepura P.S. Case No.94 of 2014 dated 22.02.2014 under Section 420 of the Indian Penal Code and Sections 7 and 8 of the Prevention of Corruption Act, no other proceeding has been initiated for confiscation of the amount and the articles seized from the possession of petitioner. Learned counsel further submits that since there is no order of confiscation and the trial of the criminal case is not likely to be concluded in



near future, there is no reason to keep the amount as well as the articles belonging to the petitioner under seizure for indefinite period.

He further submits that the petitioner is ready and willing to abide by the terms and conditions which may be imposed by this Court for provisional release of the seized articles and cash.

Learned counsel representing the State submits that the petitioner was found in possession of money along with several other incriminating documents such as licenses of other persons and that gives an impression that this petitioner was indulging in some unlawful method of getting the licence and registration of the vehicle etc. Learned counsel however, does not controvert the submission of the learned counsel representing the petitioner that presently there is no confiscation proceeding for seized money and the articles.

Considering the facts and circumstances particularly that this case is of the year 2014 and presently there is no confiscation proceeding in relation to seized money and the articles as well as that the petitioner is ready and willing to abide by the terms and conditions for grant of provisional release, I direct the concerned respondent to release the money and the



articles seized from the possession of this petitioner on his furnishing surety bond (not in form of bank guarantee or cash) to the extent of Rs.1,35,000/- (rupees one lakh thirty five thousand) with two sureties of the like amount to the satisfaction of the learned Special Judge, Vigilance-II, Patna subject to the condition that the petitioner will bound to compensate the State if he does not succeed in the case pending against him.

The application stands disposed of.

(Rajeev Ranjan Prasad, J)

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