

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.820 of 2018

=====

1. M/s Manokaamna Infra Resources LLP., a Partnership firm having its registered office at 412, N.P. Centre, New Dak Bunglow Road, Patna 800001 and Works at Khata No. 46, Khesra No. 416, Mouza-Pitambarpur, Fatuah, Patna- 800001.

2. Prashant Banka, S/o Pawan Kumar Banka, Resident of Mohalla- Devi Market Chowk, Patna City, Ranipur Milki Chak, Patna, Bihar- 800008, a Partner of M/s Manokaamna Infraresources LLP, having registered office at 412, N.P. Centre, New Dak Bunglow Road, Patna- 800001.

.... Petitioner/s

Versus

1. The State of Bihar through Home Secretary, Govt. of Bihar, Patna.
2. The Director General of Police, Patna Zone, Patna.
3. The Inspector General of Police, Patna Zone, Patna.
4. The Deputy General of Police, Patna Range.
5. The District Magistrate, Patna.
6. The Senior Superintendent of Police, Patna.
7. The Sub-Divisional Police Officer, Barh, Patna.
8. The Station House Officer, Bakhtiyarpur, P.S. & District- Patna.

.... Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Arjun Prasad Kunwar

For the Respondent/s : Mr. Md. Nadim Seraj(Gp-5)

=====

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 27-04-2018 Petitioner is said to be the owner of the goods which has been seized in connection with Bakhtiyarpur, P.S. Case No. 319/2017, the case has been registered under Section 414 of the Indian Penal Code, however, learned counsel for the petitioner submits that the goods belong to him and he is ready to produce the documents showing that the goods were purchased by him and were brought to a particular destination through the truck bearing No. BR-21D-4461.



Till date, there is no other claimant of the goods. However the learned Court below has rejected his prayer for release of the goods in question only on irrelevant considerations. Learned counsel has pointed out from the impugned order that perhaps the learned Magistrate was of the view that such an application for release may be considered only after receipt of a police report under Section 173(2) of Cr.P.C. He submits that the case is of the year 2017 and the police is not able to gather any material connecting these goods with commission of theft.

Learned counsel for the State is present and submits that presently he has no instruction as regards to the developments taken place in the investigation and even though learned counsel for the petitioner has a submission that earlier the police has submitted a report saying that he has not found any adverse material to refuse the claim of the petitioner that he happens to be owner of the goods, the learned Court below may be directed to consider the application of the petitioner and on being satisfied with the material available on record the Court below may pass an appropriate order.

Having heard learned counsel for the petitioner and learned counsel representing the State and upon perusal of the impugned order, I am of the considered opinion that the impugned



order is fit to be set aside with a direction to learned A.C.J.M, Barh, to consider the application of the petitioner for release of the goods in question in the light of the report said to have been furnished by the Investigating Officer and on being satisfied with the materials which will be brought by the petitioner to claim the goods in question, he would pass an appropriate order on his application for release on such terms and conditions which may be found fit for that purpose. Such application will be required to be heard and disposed of within a period of one month from the date of filing of the application together with a copy of this order.

The impugned order is set aside. The application is disposed off.

(Rajeev Ranjan Prasad, J)

rrrojha/-

U		T	
---	--	---	--

