

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.1379 of 2018

Arising Out of PS. Case No.-115 Year-2016 Thana- RAFIGANJ District- Aurangabad

Binod Kumar S/o Doman Ram Choudhary @ Doman Choudhary, R/o Vill.-
Labhari, Post- Kerap, P.S.- Rafiganj, District- Aurangabad (Bihar).

... .. Petitioner

Versus

1. The State of Bihar, Through The Chief Secretary, Bihar, Patna.
2. The District- Magistrate- Cum Collector, Aurangabad.
3. The Superintendent of Police, Aurangabad.
4. The Station House Officer, Cum Officer In Charge- Rafiganj, P.S. in the District of Aurangabad.

... .. Respondents

Appearance :

For the Petitioner/s	:	Mr. Ranjit Kumar, Advocate
For the Respondent/s	:	Mr. Sheo Shankar Prasad (SC-8)

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD

ORAL ORDER

2 11-07-2018 The grievance of the petitioner is that his Laptop, Hard Disk 4PC, Mouse, Adopter, USB (Siyoteam), USB (UBON) Card Reader 2PC and Data Cable 01 PC seized in connection with Rafiganj P.S. Case No. 115 of 2016 are not being released even though case was registered in the year 2016 and after the lapse of about two years no step has been taken for scientific verification or examination of the Laptop and the Hard Disk in which the songs of T-Series Company were illegally being uploaded. The case was registered under the various provisions of the Copy Right Act.

Learned counsel for the petitioner submits that the



Laptop and Hard Disk etc. are likely to get damaged over the period as those are lying in open room in the premises of the Police Station and are gathering dust and they are at the risk of weather etc. It is also submitted that no confiscation proceeding has been initiated for the articles in question.

Learned counsel for the State is present and submits that presently he is not aware of the present status of the articles as there is no instruction to that regard.

Considering the facts and circumstances of the case, this Court would direct to release of the Laptop, Hard Disk UPC, Mouse, Adopter, USB (Siyoteam), USB (UBON) Card Reader 2PC and Data Cable 01 PC in favour of the petitioner on furnishing of two sureties to the satisfaction of learned Chief Judicial Magistrate, Aurangabad with undertaking that he will produce the articles in question as and when required by the court. Prior to release of the articles the court below shall get prepared a *Panchnama* of the entire article and photographs thereof will be taken which will be duly certified in the presence of the petitioner and copy thereof shall be kept on record of the case. The same may be used as secondary evidence in course of trial in which petitioner shall undertake not to raise any objection.



Let the release be given effect to within one week from the date of receipt/production of a copy of this order, provided the petitioner complies with the condition of furnishing sureties as stated hereinabove.

This writ application stands disposed of.

(Rajeev Ranjan Prasad, J)

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