

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Writ Jurisdiction Case No.1151 of 2018

Arising out of Amas P.S. Case No.265/17, District-Gaya

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Harihar Yadav S/o Kauleshwar Yadav, R/o Vill.- Rampur, P.O.- Dubba,
P.S.- Gurua, District- Gaya.

.... Petitioner/s

Versus

1. The State of Bihar, Through The Principal Secretary, Health Department, Bihar, Patna.
2. The District- Magistrate, Gaya.
3. The Senior Superintendent of Police, Gaya.
4. The Officer In charge, Amas Police Station, District- Gaya.

.... Respondent/s

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Appearance :

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

For the Respondent/s : Mr. Chitranjan Sinha (PAAG-2)

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD

ORAL ORDER

3 24-07-2018 Pursuant to the order dated 04.05.2018 passed by this Court, a counter affidavit has been filed on behalf of the Officer-in-Charge, Amas Police Station, District-Gaya (respondent no.4). A perusal of the counter affidavit would show that in fact no plea at all has been taken to oppose the prayer of the petitioner for release of the amount of Rs.3,13,450/- which has been seized in connection with the case in question.

Learned counsel representing the State, however, submits that he has instruction to say that the amount seized from the shop premises of the petitioner would be required as a piece of evidence in course of trial and the learned Chief Judicial



Magistrate had passed the impugned order only because no report was submitted by the authorities concerned despite the order passed by the learned Chief Judicial Magistrate calling for such report. It is, thus, submitted that the order of the learned Chief Judicial Magistrate is not on merit.

On the other hand, learned counsel for the petitioner submits that non-submission of the report by the authorities concerned and despite time granted by this Court not showing plausible cause denying the relief prayed by this petitioner, in fact the respondents have not raised any objection to the grant of relief.

In the facts and circumstances appearing from the records and taking note of the cause shown by the learned counsel representing the State, at this stage, this Court would direct release of the amount as prayed for in Paragraph '1' of the writ application on the petitioner submitting adequate security to the satisfaction of the Court below. Prior to release of the amount in question, the Court below shall ensure that the description of the notes with their complete denomination be duly noted down, a Panchnama be prepared and certified in respect thereof in presence of the petitioner and the same be kept on the record as a secondary evidence which the petitioner undertakes not to question at the time of trial.



With the aforesaid conditions and directions, the writ application stands disposed off.

(Rajeev Ranjan Prasad, J)

Arvind/-
R.R.Ojha/Ved.

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