

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Writ Jurisdiction Case No.164 of 2018

Arising out of Chanan P.S. Case No.38 of 2017, District-Lakhisarai

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Bijli Kora, Son of Birbal Kora, R/o Village- Kachhua, P.S. Chanan,
District- Lakhisarai.

.... Petitioner/s

Versus

1. The State of Bihar.
2. The District Magistrate, Lakhisarai.
3. The Sub Divisional Officer, Lakhisarai.
4. The Superintendent of Police, Lakhisarai.
5. The Deputy Superintendent of Police, Lakhisarai.
6. The Officer-in-charge of Chanan Police station, Lakhisarai.
7. The Excise Superintendent, Lakhisarai.
8. The Investigating Officer-cum-Assistant P.O. Chanan Police Station,
Lakhisarai.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Jai Prakash Singh

For the Respondent/s : Mr. Vikash Kumar

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**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN
PRASAD
ORAL ORDER**

4 18-04-2018 Heard learned counsel for the petitioner as well as
learned counsel representing the respondents.

In course of argument, learned counsel for the petitioner has confined his prayer for release of silver ornaments and cash Rs.2,87,536/- only at this stage. Learned counsel submits that neither the silver ornaments nor the cash has been seized in connection with the offence under the Excise Act/Forest Act/Wild Life Protection Act. So far as the offence alleged under Section 379 IPC is concerned, till date there is no other claimant of this



money or the silver ornaments. The trial of the case is not likely to be concluded soon, therefore, no purpose would be served by keeping these silver ornaments and cash under seizure.

Learned counsel representing the State submits that so far as these two items are concerned, on the petitioner furnishing appropriate sureties and undertaking the same may be released subject to the condition which may be imposed by this Court.

In above view of the matter, considering the submissions that neither the silver ornaments nor the cash has been seized in connection with the Excise Act/Forest Act/Wild Life Protection Act and presently there is no other claimant of the cash even though police has submitted a charge-sheet under Section 379 IPC, but unless somebody claims that money lying in possession of the petitioner was a property which he acquired by committing theft, the prayer for release of the cash is worth consideration. Accordingly, I direct that on petitioner furnishing two sureties to the extent of the value of the silver ornaments and cash to the satisfaction of the court below, the same shall be released in favour of the petitioner subject to the condition that before release of the silver ornaments photographs of the same will be taken and denominations of the cash will be noted down in



a paper which will be certified in presence of the petitioner and both photographs as well as the denominations of the notes shall be kept on record by way of secondary evidence which the petitioner undertakes not to challenge in course of trial. The petitioner also undertakes that he shall abide by such order/orders which may be passed by the trial court on conclusion of the trial in respect of these items.

The writ application stands disposed of accordingly.

(Rajeev Ranjan Prasad, J)

Arvind/-

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