

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Writ Jurisdiction Case No.390 of 2018

Arising Out of PS. Case No.-138 Year-2017 Thana- BAHADURPUR District- Patna

Saurabh Kumar S/o Sanjay Kumar, R/o Vill.- Bahadurpur, P.O.- Rupas,
Athmalgola, P.S.- Athmalgola, District- Patna ... Petitioner

Versus

1. The State of Bihar Through Principal Secretary, Department of Home, Govt. of Bihar, Patna.
2. The District Magistrate, Patna.
3. The Senior Superintendent of Police, Patna.
4. The Deputy Superintendent of Police, Patna City, District- Patna.
5. The Officer Incharge of Bahadurpur Police, District- Patna.
6. The Investigating Officer of Bahadurpur P.S.- Case No.138 of 2017, District- Patna ... Respondents

Appearance :

For the Petitioner : Mr. Satyendra Prasad Singh, Adv.
For the Respondents : Mr. Partha Sarthy, GA

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

3 08-05-2018

Earlier on 20th April, 2018, learned counsel for the State was granted two weeks time to seek instruction as to whether the lap-top in question has been seized in connection with Narcotic Drugs and Psychotropic substances Act and whether it is material exhibit in the said case.

Today, when the matter was taken up, learned counsel for the State has straight way drawn the attention of the Court towards Annexure 4 to the writ application, which is a report, dated 05.09.2017, submitted by the Assistant Sub-Inspector of Police, Bahadurpur Police Station, Patna, in the Court of the learned District & Sessions Judge, Patna. In the said report the Assistant Sub-Inspector of Police has clearly stated that the lap-top in question has been a stolen property which has been kept properly in the Malkhana and on verification it was found that it belongs to Saurav Kumar (the petitioner), therefore, he had no objection to the release of the lap-top.



Having noticed the submission made on behalf of the State, this Court has also gone through the order passed on 09.10.2017 by the learned Sessions Judge, Patna, in Special Case No. 99 of 2017. It appears that the learned Sessions Judge, has not, at all, looked into the report, as contained in Annexure 4 and without looking into the same rejected the application by merely quoting Section 60(1) of the Narcotic Drugs and Psychotropic substances Act.

This Court is unable to appreciate rejection of an application for release in the manner it has been done by the impugned order.

In the facts and circumstances, stated here-in-above, the impugned order is set aside and the investigating officer of Bahadurpur Police Station is directed to release the lap-top in question in favour of the petitioner forthwith. Since, the investigating officer has not reported that the lap-top is required in connection with the case or that it is a material exhibit, no further condition is required to be noticed.

(Rajeev Ranjan Prasad, J)

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