

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.591 of 2019

Arising Out of PS. Case No.-623 Year-2018 Thana- SHASTRINAGAR District- Patna

Jayant Kumar Son of Vinod Kumar, Resident of Mohalla-New Colony Kali
Bari, Post-H.P.O. Gaya, Police Station-Mufassil and District-Gaya.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Home Department,
Government of Bihar, Patna
2. The Director General of Police, Bihar, Patna
3. The Senior Superintendent of Police, Patna
4. The Superintendent of Police, City, Patna
5. The Officer-in-charge, Shastri Nagar Police Station, District-Patna. Patna

... .. Respondent/s

Appearance :

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

CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL JUDGMENT

Date : 10-04-2019

This application under Articles 226 and 227 of the Constitution of India has been filed by the petitioner for directing the respondent authorities to release the vehicle of the petitioner bearing registration no. BR- 01DJ-1179 having engine no. D4FBHM435613 in favour of the petitioner which has been seized in connection with Shastri Nagar P.S. Case No. 623 of 2018 registered under Sections 419, 420, 467, 471, 120B, 379 and 468 of the Indian Penal Code and Sections 66, 66(C) and 66(D) of the Information and Technology Act.

2. Learned counsel for the petitioner submitted



that the application be disposed of with a direction to the learned A.C.J.M-IV, Patna to expeditiously dispose of the application filed by the petitioner under Section 451 of the Code of Criminal Procedure for release of the vehicle in question. He contended that an application for release of the vehicle in question was filed in the court of A.C.J.M-IV, Patna on 28.11.2018 but the same has not been disposed of till date. The inordinate delay in disposal of the application would result in the vehicle becoming a junk.

3. Learned counsel for the State submitted that the vehicle in question has been seized on the allegation that the same has been purchased in the name of the petitioner by his brother, who has accumulated wealth through several illegal acts.

4. Be that as it may, an application for release of the seized property under Section 451 of the Cr.P.C. requires an early disposal. The submission of the petitioner for expeditious disposal of his application is justified. The learned A.C.J.M-IV, Patna is directed to hear the parties and dispose of the application filed for release of the vehicle in question as early as possible, preferably within one month from the date of receipt/production of a copy of the order.



5. It is made clear that this court has not expressed its opinion on the merits of the claim of the petitioner. The learned Magistrate would be free to decide the case on the basis of materials available on record in accordance with law.

(Ashwani Kumar Singh, J)

Md. S/SKSuman.

AFR/NAFR	NAFR
CAV DATE	NA
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