

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50314 of 2016

Arising Out of PS. Case No.-238 Year-2014 Thana- PATLIPUTRA District- Patna

Ramchandra Singh S/o Vishwnath Singh R/o Chak Lakshman Dera, PS -
Brahampur, Dist. - Buxar.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Awadhesh Kumar Mishra, Advocate Mrs. Rita Rai, Advocate Mr. Ajay Kumar, Advocate
For the Opposite Party/s :		Mr.Lallan Kumar, App

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR

ORAL JUDGMENT

Date : 24-07-2019

Heard learned counsel for the parties.

2. The revolver of the petitioner and its licence were seized by the police suspecting the licence to be not genuine and for that Patliputra P.S. Case No.238 of 2014 was registered. After verification of licence the police reported to the Magistrate that licence was genuine one. Thereafter, the Magistrate released the licence and did not release the revolver saying that it is a material exhibit. This order was passed on 23.08.2014.

3.The petitioner challenged the order of the Magistrate dated 23.8.2014 before the learned Sessions Judge, Patna, in Cr. Revision No.4523 of 2014 which was



disposed of on 13.08.2015 with direction to the Magistrate to pass fresh order for release of revolver in accordance with law after information to the District Magistrate, Patna, who is the licensing authority. Thereafter by the impugned order dated 31.08.2016 the learned Magistrate again refused to release the revolver as the Investigation Officer had made request to the District Magistrate, Patna, to cancel the licence of the petitioner.

4. Learned counsel for the petitioner submits that the petitioner has got a valid licence original whereof produced for perusal of this Court and photo copy of the same is at Annexure-3 series. The licence was valid for all over India and the petitioner was on duty of a guard with one Kartik Singh when the police got information that the petitioner has revolver without any licence and the police searched and seized the revolver as well as licence suspecting the licence to be not genuine.

5. Once the licence was found to be genuine one valid for all over India the whole criminal prosecution was abuse of the process of the Court much less the release of revolver to the licence holder should not have been declined by the Court-below saying that the same is a material exhibit.

6. Finding substance in the submission of learned



counsel for the petitioner, the impugned order is hereby quashed and the learned Magistrate, where the case is pending, is directed to release the revolver of the petitioner on execution of surety bond of Rs.60,000/- (rupees sixty thousand) with two sureties of the like amount each in connection with Patliputra P.S. Case No.238 of 2014, corresponding to G.R.No.3781 of 2014.

7. Accordingly, this application stands allowed.

(Birendra Kumar, J)

Mkr./-

AFR/NAFR	NAFR
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