

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.189 of 2020

Arising Out of PS. Case No.-143 Year-2018 Thana- GAUNAHA District- West Champaran

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L&T Financial Services, having its registered office at L&T Financial Services, Technopolis, 7th Floor, Wing - A, Plot No.4, Block - BP, Sector 5, Salt Lake, P.S.- Electronics Complex, Kolkata 700091 and branch office at L&T Financial Services, Second Floor, Grand Alley, P.S.- Gandhi Maidan, Patna- 800001, represented through Mr. Anand Kumar Pandey, S/o Jay Prakash Pandey aged about 25 years posted as Legal Manager and authorised representative of L&T Financial Services.

... .. Petitioner/s

Versus

1. State Of Bihar Through Director General Of Police, Sardar Patel Bhawan, Patna
2. Inspector General of Police, Tirhut Range
3. Superintendent of Police, Bettiah, Bihar
4. S.H.O. Gaunaha, P.S.- Bettiah, Bihar
5. Investigating Officer, Gaunaha, P.S.- Case No.143/2018

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Dhananjay Kashyap, Adv.
For the Respondent/s : Mr.Anil Kumar, AC to SC-8

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

3 25-02-2020 A counter affidavit has been filed on behalf of the respondent no.3. In the counter affidavit, specific statements have been made with annexures in support thereof showing that the S.H.O. of the Gaunaha police station has submitted a report before the court of learned S.D.J.M., Bettiah vide D.R.No.407/19 dated 20.04.2019, as contained in Annexure-A to the counter affidavit, further report has been submitted vide D.R.No.451 dated 27.04.2019, as contained in Annexure-B to the counter affidavit and all these reports he has stated that he



would have no objection if the money is released by the learned court in favour of the writ petitioner.

Learned counsel for the petitioner submits that because those reports were not satisfactory, therefore the learned court of S.D.J.M. directed for further report. In this connection, learned counsel has referred the order dated 02.05.2019 passed by the learned S.D.J.M.

After having heard learned counsel for the parties and on perusal of the records, this Court finds that in his order dated 02.05.2019 the learned S.D.J.M. has simply recorded that the report submitted by the officer in-charge of the police station is not clear but what kind of clarity was being sought by the learned S.D.J.M. is not mentioned in the order. Learned counsel for the petitioner tried to explain that the court was looking for description/denomination of the notes but very soon learned counsel himself noticed that the seizure list is showing the denomination of the notes and as such on this score at least there would have been no difficulty on the part of the S.D.J.M. in issuing direction for release of the amount.

This Court hereby directs the learned S.D.J.M., Bettiah to consider the application for release of the amount in the light of the report submitted by the S.H.O. and in case he is



looking for any specific clarity, he should direct the S.H.O. to give that clarity within a period of fifteen days from today. The S.H.O. would be obliged to comply with the order of learned S.D.J.M. within a week thereafter and on receipt of such clarity, the learned S.D.J.M. shall proceed to pass an appropriate order on the application of the petitioner within another two weeks. If the learned S.D.J.M. is satisfied that in view of the seizure list available on the record no further clarity is required, he will straightaway proceed to pass an order on the application for release of the amount.

This writ application stands disposed of accordingly.

(Rajeev Ranjan Prasad, J)

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