

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
Criminal Writ Jurisdiction Case No.682 of 2021**

Arising Out of PS. Case No.-85 Year-2019 Thana- PIPRAKOTHI District- East Champaran

ANWARA BIBI @ ANOWARA BIBI W/o Saidul Miya , D/o Anwar Hussain
Resident of Village - Illiyas Nagar, Cooch Bihar (W.B) At present R/o and
Village - Jarija Chhapat Chatar, P.S.- Sital Kharcha, Dist.- Cooch Bihar, West
Bengal.

... .. Petitioner

Versus

1. The State of Bihar through the Principal Secretary Home department Govt. of Bihar. Bihar
2. The Superintendent of Police East Champaran at Motihari. Bihar
3. The Station House Officer Pipra Kothi, P.S.- Distt.- East Champaran. Bihar

... .. Respondents

Appearance :

For the Petitioner/s : Mr.Priyesh Kumar, Advocate
For the Respondent/s : Mr.Manish Kumar, GP-4

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

3 17-08-2021 This application writ application has been filed

challenging the order dated 23.01.2021 passed by the learned

Special Judge, N.D.P.S. Act, East Champaran, Motihari in

N.D.P.S. Case No. 33/2019 arising out of Piprakothi P.S. Case

No. 85/2019.

It appears on perusal of the impugned order that when

the petitioner being owner of the seized Vagon-R Car

approached the court below, her application was held not

maintainable at that stage on the ground that she being owner of

the seized car was still absconding. Since the petitioner had not

surrendered before the court, her application was disposed off

on the ground that the same is not maintainable.

Learned counsel for the petitioner submits that the petitioner has got bail in Cr. Misc. No. 2470/2021.

Learned counsel for the State submits that in view of the fact that the learned court below rejected her application only at the said stage because she had not surrendered, it is now open to the petitioner to file an appropriate application, if so advised.

Considering the facts and circumstances of the case and the materials placed before this Court, this Court is of the considered opinion that the petitioner having got bail in this case may approach the learned Special Judge, N.D.P.S. Act, East Champaran, Motihari, if so advised, for appropriate relief.

There is no need to interfere with the impugned order because the impugned order seems to have been passed only keeping in view that the petitioner had not surrendered before the court.

This application stands disposed off with the aforesaid observations.

(Rajeev Ranjan Prasad, J)

Rajeev/-

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.