

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.1816 of 2019

Arising Out of PS. Case No.-200 Year-2017 Thana- HAJIPUR SADAR District- Vaishali

Mukesh Kumar Ray Son Of Bhoal Rai Resident Of Village- Rahar Diar, P.O.
And P.S.- Sonapur, District- Saran ... Petitioner

Versus

1. The State Of Bihar Through The District Magistrate, Vaishali At Hajipur. Vaishali At Hajipur.
2. The Superintendent Of Police, Vaishali At Hajipur. Vaishali At Hajipur.
3. The Sub- Divisional Police Officer Sadar, Hajipur. Hajipur.
4. The Officer- In-Charge, Sadar Hajipur, District- Vaishali. Vaishali.
5. Akash Kumar Son Of Pashupati Rai Resident Of Village- Pokhara, P.S.- Town, District- Vaishali.

... .. Respondents

Appearance :

For the Petitioner : Mr.Arvind Kumar Sinha, Advocate
For the Respondents : Mr.Md. Nadim Seraj, Addl Public Prosecutor

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

5 18-03-2021 Heard learned counsel for the petitioner and the State.

Criminal Writ petition has been filed for a direction to the Additional Sessions Judge VIII, Vaishali at Hajipur to release the vehicle Mahindra XVV 500 bearing Registration No. BR 31 V 4169 along with Android Mobile phone having Airtel SIM with Mobile No. 7091178983 seized by police in Sessions Trial No. 439/2017 (Hajipur Sadar Police Station Case No. 200/2017) lodged for the offence punishable under sections 147,148,149,341,342,323,337,338,307 and 302 of the Indian Penal Code. He has also prayed for a direction to the Officer in charge of Hajipur Police Station to submit report in view of order dated 27.3.2018, passed by the Additional Sessions Judge



VIII, Vaishali pertaining to release of the said vehicle.

Learned counsel for the petitioner submits that the case has been committed to the Court of sessions vide Sessions Trial No. 439 of 2017 which is presently pending in the Court of Additional Sessions Judge VIII, Vaishali at Hajipur. Petitioner has filed application dated 27.3.2018 in the Court of Additional Sessions Judge VIII, Vaishali for release of the aforesaid vehicle along with the Android mobile phone. He further submits that in view of letter no. 747 dated 28.4.2018 issued by the court of Additional Sessions Judge VIII, Vaishali calling for enquiry report, the Officer in charge of Hajipur Sadar Police Station sent no objection certificate on 28.5.2018 to the effect that the vehicle and the mobile phone may be released after production of original papers. However, the matter is still pending consideration since 27.3.2018.

Counter affidavit has been filed on behalf of respondent no.2 bringing on record the letter dated 28.5.2018 of the Officer in charge, Hajipur Sadar Police Station sent to the Court of the Additional Sessions Judge VIII, Vaishali to the effect that the aforesaid items can be released in favour of its owner on verification of the concerned documents.

In the facts and circumstances of the case as also



keeping in view the fact that no useful purpose will be served to keep the vehicle parked in the police station which is getting damaged day by day, the Court of Additional Sessions Judge VIII, Vaishali is directed to dispose of the application of the petitioner dated 27.3.2018 within a period of four weeks from the date of receipt/production of a copy of this order.

Criminal writ petition stands allowed in the aforesaid terms.

(Prabhat Kumar Singh, J)

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