

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41616 of 2021**

Arising Out of PS. Case No.-274 Year-2014 Thana- SIKARPUR District- West Champaran

LAXMI PRASAD Son of Barj Bihari Prasad, Resident of Ward No. 06,
Mohalla - Lohar Pati Sonar Pati, P.S.- Motihari Town, District - East
Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajesh Ranjan

For the Opposite Party/s : Mr. Gauri Shankar Gupta

**CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR
PANDEY**

ORAL ORDER

2 12-05-2022 Heard the learned counsel for the petitioner as well as
the learned Additional Public Prosecutor for the State.

This application has been filed for quashing the order
dated 06.01.2018 passed by the learned Additional District and
Sessions Judge-VI, West Champaran, Bettiah in Criminal Revision
No. 58 of 2016, arising out of Trial No. 3172 of 2017.

Being aggrieved by the aforesaid order, the present civil
miscellaneous petition has been preferred.

By the impugned order, the learned Additional District
and Sessions Judge-VI, West Champaran has rejected the petition
filed on behalf of the petitioner to release 40 Kgs. of silver in his
favour.

As per FIR, two persons, namely, Anil Kushwaha and



Rambabu Prasad were apprehended by the police while carrying 40 Kgs. of silver concealed in their Hero Honda motor cycle bearing No. BR22R/8791.

The case was registered against the accused persons under section 414 of the Indian Penal Code. The present petitioner made a prayer before the trial Court for release of the seized silver mentioning that it was purchased property of the petitioner. The petition of the petitioner was rejected by the trial Court as well as revisional Court. In its order, the revisional Court has mentioned that only after verification of the purchase receipt, it would come to the light whether that purchase receipt was genuine or forged one. Till verification of that receipt, the learned court below did not find it proper to release the seized silver in his favour.

The order of the learned Additional District and Sessions Judge-VI, West Champaran, Bettiah shows itself that the receipt has not been verified up till now. The learned court below is directed to pass a fresh order after verification of that receipt.

With these observations and directions, this criminal petition is disposed of.

(Nawneet Kumar Pandey, J)

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