

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.762 of 2022

Arising Out of PS. Case No.-96 Year-2021 Thana- BITHAN BAZAR District- Samastipur

Ganga Prasad Mahto, Son Of Ramswaroop Mahto, R/O Village- Gajabaja
(Sudamapur), P.S.- Bithan, District- Samastipur

... .. Petitioner/s

Versus

1. The State Of Bihar Through The Secretary Of Home, Bihar, Patna
2. The Director General Of Police, Bihar, Patna
3. The Superintendent Of Police, Samastipur Bihar
4. The Sub Divisional Police Officer, Rosera, District- Samastipur Bihar
5. The S.H.O., Police Station, Bithan, District- Samastipur Bihar

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Virendra Kuar, Advocate
For the Respondent/s : Mr.Md. Irshad, AC to SC-1

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

5 30-11-2022 Heard learned counsel for the petitioner and Mr. Md.
Irshad, learned AC to SC-1 for the State.

This writ application has been placed for consideration on the prayer of learned counsel for the petitioner to take it on urgent basis.

Petitioner, in this case, prays for release of the cash amount of Rs.39,62,600/- (Thirty Nine Lac Sixty Two Thousand and Six Hundred) in his favour as according to him the same is his personal money which he has collected from different sources i.e. from an agreement for sale of the land as well as income from selling grains and selling of animals for the



marriage of his granddaughter.

It appears on a reading of the First Information Report that police has registered Bithan P.S. Case No.96 of 2021 under Sections 20 and 22 of the N.D.P.S. Act on 04.07.2021 against the two sons of the petitioner namely Arbind Kumar and Devendra Kumar for recovery of 35 kgs of Ganja as well as cash of Rs.39,62,600/- and two mobiles from their house.

This Court has been informed that both the accused were seeking their remedy of anticipatory bail which has been rejected by this Hon'ble Court. After rejection of anticipatory bail, they have yet not surrendered.

In the meantime, this application has been filed by this petitioner who is father of the two accused seeking release of the amount.

The State has filed a counter affidavit and the prayer of the petitioner has been contested. The learned Special Judge has passed an order to deposit the seized amount in treasury and the same has been deposited. The trial of the case is pending.

Having regard to the facts and circumstances of the case, this Court is of the considered opinion that the petitioner is unable to make out a case for release of the cash. His two sons



are accused in the case, there is an alleged recovery of 35 kgs of Ganja with cash from their house, they have yet not surrendered despite rejection of their prayer for anticipatory bail by this Court, under these circumstances, the filing of this writ application by this petitioner being father of the two accused is nothing but an attempt to get away with the cash which is said to be tainted money of his sons seized by police in course of the raid conducted in their house. This Court is, therefore, of the considered opinion that the money cannot be allowed to be released.

This writ application is dismissed.

(Rajeev Ranjan Prasad, J)

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