

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.351 of 2024

Arising Out of PS. Case No.-75 Year-2023 Thana- PIPRAKOTHI District- East Champaran

Ranjit Kumar Son Of Ambika Sah Resident Of Village- Belwatiya, Ps- Pipra,
Kothi, Dist- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Sanjay Kumar Tiwari
For the Respondent/s : Mrs. Madhuri Lata

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

3 20-06-2024 Heard the learned counsel for the parties.

2. Counter affidavit filed on behalf of the State is taken on record.

3. The petitioner has challenged the order dated 20.01.2024 passed by learned Additional District and Sessions Judge-1st, East Champaran, Motihari in N.D.P.S. Case No. 46 of 2023 arising out of Piprakothi P.S. Case No. 75 of 2023.

4. The petitioner has withdrawn Rs. 2,60,000/- (two lakh sixty thousand) from State Bank of India, *Chintamanpur* Branch and the same was looted by the criminals for which F.I.R. of Piprakothi P.S. Case No. 75 of 2023 was registered.

5. The criminals were subsequently arrested in connection with Sugauli P.S. Case No. 119 of 2023 was registered against them and Rs. 2,20,000/- (Two Lakh Twenty



Thousand) which was looted from the petitioner was recovered from the possession of the criminals who were arrested in Sugauli P.S. Case No. 119 of 2023, thereafter, the police recorded the confessional statement of the accused persons in Sugauli P.S. Case No. 119 of 2023 in which the criminals confessed that the amount recovered from their possession was the looted amount belonging to the petitioner for which Piprakothi P.S. Case No. 75 of 2023 was registered.

6. The petitioner thereafter filed the application for release of amount of Rs. 2,60,000/- (two lakh sixty thousand) though the amount seized was only 2,20,000/- (two lakh twenty thousand).

7. The release application was filed by the petitioner before the Additional District and Sessions Judge-1st, East Champaran, Motihari in N.D.P.S. Case No. 46 of 2023 which has been rejected by the Additional District and Sessions Judge-1st, East Champaran, Motihari.

8. The police has submitted a report that the amount seized by the Sugauli Police Station in connection with Sugauli P.S. Case No. 119 of 2023 is the looted amount for which Piprakothi P.S. Case No. 75 of 2023 was registered and the police had no objection if the amount would be released.



9. The learned counsel for the petitioner has submitted that the amount belongs to the petitioner and there is no dispute with regard to the same. He also submits that there is no claimant except the petitioner and claim of the petitioner is supported by the report of the police and the same should have been directed to be released in favour of the petitioner.

10. The learned APP for the State has opposed the application of the petitioner and has submitted that the amount in question may be released after conclusion of the trial.

11. I have considered the submissions of the parties.

12. Considering the law laid down by the Hon'ble Supreme Court in the case of *Sunderbhai Ambalal Desai V/s State of Gujarat; 2002 (10) SCC 283, this application is allowed* and the the dated 20.01.2024 passed by learned Additional District and Sessions Judge-1st, East Champaran, Motihari in N.D.P.S. Case No. 46 of 2023 arising out of Piprakothi P.S. Case No. 75 of 2023 is hereby set aside.

13. The Addition District and Sessions Judge-1st, East Champaran, Motihari is directed to release the amount of Rs. 2,20,000/- (Two lakh twenty thousand) in favour of the petitioner after the petitioner furnishes two securities of the like



amount.

14. The Court below if required will use the seizure list in the trial of the accused persons.

15. *This application stands allowed.*

(Sandeep Kumar, J)

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