

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.60 of 2024

Arising Out of PS. Case No.-170 Year-2023 Thana- DINARA District- Rohtas

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BASHISTH YADAV @ BASHISTH SINGH YADAV S/O LATE
INDRASHAN SINGH @ LATE INDRASHAN YADAV RESIDENT OF
VILLAGE- MAHROD, P.S- NATWAR DISTRICT- ROHTAS (SASARAM)

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR THROUGH THE DIRECTOR GENERAL OF POLICE, BIHAR, PATNA BIHAR
2. THE INSPECTOR GENERAL OF POLICE, BIHAR, PATNA BIHAR
3. THE SUPERINTENDENT OF POLICE ROHTAS AT DEHRI-ON-SONE, DISTRICT- ROHTAS BIHAR
4. THE SUB-DIVISIONAL POLICE OFFICER, ROHTAS AT SASARAM BIHAR
5. THE OFFICER-IN-CHARGE OF DINAR POLICE STATION, DISTRICT- ROHTAS, SASARAM BIHAR

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Durgesh Nandan
For the Respondent/s : Mr .G.P 24

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CORAM: HONOURABLE MR. JUSTICE BIBEK CHAUDHURI
ORAL ORDER

2 05-04-2024 The instant writ petition is filed by the petitioner praying for release of seized money. It is necessary to mention that on 23rd April 2023, a raid was conducted after giving notice under Section 50 of the NDPS Act to the accused in the house of the accused. During raid, the police recovered four bags of *Ganja* (Cannabis) weighing 70.369 kilograms and a sum of Rs. 6,50,800. The police also recovered two weighing machines from the house of the petitioner.

2. It is contended by the petitioner that the seized



money belongs to him. The said money is not connected with any offence relating to NDPS Act and the money is lying in the Police *Malkhana*. There is apprehension that the seized money may be damaged in Police *Malkhana*, therefore, the said money may be returned to the petitioner who is not an accused in connection with, Dinara P.S. Case No. 170/2023, under Sections 20(b)(ii)(c)/22/25/27A/29 of the NDPS Act.

3. It appears from the record that the petitioner already moved an application before the learned Sessions Judge, Rohtas at Sasaram in connection with the aforesaid mentioned P.S. Case, praying for return of the seized money. The learned Sessions Judge rejected the said application. The order passed by the learned Sessions Judge is revisable under Section 397 read with Section 401 of the CrPC before this Court.

4. When there is efficacious relief available under the statute against the judicial order, this Court is of the view that the writ petition is not maintainable. Therefore, the instant writ petition is dismissed.

5. However, the petitioner is at liberty to file appropriate revisional application before this Court against the order dated 10th February 2023 passed by the learned Sessions Judge, Rohtas at Sasaram in connection with Dinara P.S. Case



No. 170/2023.

6. The petitioner is also at liberty to take back all Annexures and the impugned order by replacing it with the photostat copy from the record of this case.

(Bibek Chaudhuri, J)

Suraj Dubey/-

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