

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42928 of 2015

Arising Out of PS. Case No.-97 Year-2009 Thana- C.B.I CASE District- Patna

Chandan Kumar Son of Yamuna Prasad, Resident of Mohallah - Khemni Chak, P.S. - Ram Krishna Nagar, Town and District - Patna Bihar.

... .. Petitioner/s

Versus

The State Of Bihar Through Deputy Inspector General Vigilance, Bihar, Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rakesh Kumar, Adv.

For the Vigilance : Mr. Rana Vikram Singh, Adv.

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

8 03-04-2025 1. The instant petition has been filed for quashing of the common order dated 10.07.2015 passed by learned Special Judge, Vigilance (Trap), Patna in connection with Vigilance P.S. Case No. 97 of 2009 (Special Case No. 39 of 2009) registered under Sections 7/13(2) read with Sections 13(1)(d) of the Prevention of Corruption Act, 1988 whereby and whereunder the Application dated 02.05.2013 filed under Section 239 of the Code of Criminal Procedure (in short 'Cr.P.C.') and Application dated 23.12.2013 for release of cash amounting to Rs. 86,800/- by the petitioner has been rejected.

2. At the outset, learned counsel appearing for the petitioner submits that the petitioner does not want to press this application in respect of first part of the order dated 10.07.2015 whereby the petitioner's prayer for discharge made under



Section 239 of the Code of Criminal Procedure (in short 'Cr.P.C') has been rejected and wants to press only his second prayer relating to the second part of the said order by which the petitioner's prayer for release of cash amounting to Rs. 86,800/- has been rejected by the trial court.

3. Heard both the sides and perused the relevant materials as well as order impugned. During the course of argument, learned counsel appearing for the Vigilance Department, while pointing out the paragraph no. 23 of the counter affidavit, submits that after the completion of enquiry the Inquiry Officer came to the conclusion that the seized cash amount of Rs. 86,800/- was not disproportionate to the legal source of income of the petitioner, therefore, the Vigilance Investigation Bureau has no objection in releasing the said seized amount in favour of the petitioner. As the Vigilance Department has now no opposition to the second prayer with regard to the releasing of the aforesaid amount and the trial court rejected the petitioner's prayer with regard to the releasing of the said amount mainly considering the pendency of an enquiry against the petitioner at that time in relation to seized amount but now the enquiry has been completed as per the statement made in the counter affidavit and further, the materials



available before this Court do not show any kind of connection in between the seized cash of Rs. 86,800/- and the commission of the alleged crime relating to taking bribe of Rs. 12000/-, so, the instant petition stands allowed and the trial court is directed to release the seized cash amount of Rs. 86,800/- in favour of the petitioner on his personal bond and only to the extent of releasing the said amount the order impugned is hereby set aside.

(Shailendra Singh, J)

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