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**IN THE COURT OF SESSIONS JUDGE, BHOJPUR  
DISTRICT-BHOJPUR (ARA), BIHAR  
[CRIMINAL REVISION NO. -42/2026]**

Arising out of order dated 13.03.2026 passed by Ld. A.C.J.M-I  
in Naryanpur P.S. Case No. 96/2025

IN THE MATTER OF:-

Status of the parties  
before this Court

Status of the parties  
before the Trial Court

Revisionist

Accused

1. Gorakh Quraishi

S/o-Mani Quraish, R/o- village- Malhi Patti Ward No.15

P.S.- Arwal, District- Arwal

..... Petitioner

Vrs.

1. The State of Bihar

.....Opposite party

Counsel for the petitioner:-

Shri Arun Kumar Singh,

ld. Advocate

Counsel for the opposite party:-

Sri. Rana Pratap Singh, Ld.

P.P.

Date of order: 17.04.2026

Present: Purushottam Mishra,



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Sessions Judge,  
Bhojpur.  
17.04.2026

### **ORDER**

1. The present Revision has been preferred under section 397/399 of Cr.P.C. impugning the order dated 13.03.2026 (herein after called impugned order) in which Ld. ACJM-I, Ara rejected the release petition of five cows which was seized by Naryanpur P.S.

2. Feeling aggrieved by the aforesaid impugned order, the present revision petition has been preferred by the Revisionist namely, Gorakh Quraishi on the grounds as set out in petition. The main contention of the Revisionist is that the seized cows were purchased by the petitioner from Nahsi cattle fair from one Jahlu Singh and petitioner is real owner of the seized cows. It is submitted that Ld. court below fully ignored the materials available on record and rejected the petition without applying judicial mind. Ld. lower court has not peruse the police report concerning with the seized cows, So



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impugned order dated 13.03.2026 to be fit set aside and direction regarding release of five cows may be given.

3. Ld. P.P. stated that the Ld. ACJM-I has rightly rejected the the released petition of the petitioner and submitted that the five cows were recovered by police during vehicle checking in pathetic condition, hence, released petition of the petitioner should be dismissed.

4. In brief the facts of the case is that Naryanpur PS Case No. 96/2025 was instituted at the instance of informant S.I. Anirudh Kumar Pandit. As per the case of the prosecution that on 29.10.2025 at about 21:15 hours a vehicle was seized in which five cows were loaded in pathetic condition.

5. I have heard the submissions and gone through the materials available on the record. Perusal of the record shows that the revisionist has filed document regarding ownership of seized cows from perusal of it reveals that the petitioner has purchased the said cows from Nahshi cattle fair from Jahlu Singh, Anika Singh, Netajee and Surendra Singh.

6. For disposing off this revision petition, I am referring



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herein Section 451 of Cr.P.C. (Corresponding to Section 501 of Bharaitya Nagarik Suraksha Sanhit 2023):- Order for custody and disposal of property pending trial in certain cases- When any property is produced before any Criminal Court during any inquiry or trial, the court may make such order as it thinks fit for the proper custody of such property pending the conclusion of the inquiry or trial, and if the property is subject to speedy and natural decay, or if it is otherwise expedient so to do, the court may, after recording such evidence as it thinks necessary, order it to be sold or otherwise disposed of. Explanation- for the purposes of this section, "property" includes-

- (a) property of any kind or document which is produced before the court or which is in its custody,
- (b) any property regarding which an offence appears to have been committed or which appears to have been used for the commission of any offence."

11. It is relevant to refer to celebrated judgment of **Sunderbhai Ambalal Desai Vs. State of Gujarat, [2002] 10 SCC 282]** which is a leading case on the subject and this



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court in this case still holding the field. In this case, Hon'ble Supreme Court has explained the extent and scope of jurisdiction under Section 451 Cr.P.C. and how it should be exercised.

" Section 451 Cr.P.C. clearly empowers the court to pass appropriate orders with regard to such property such as:

(1) for the proper custody pending conclusion of the inquiry or trial;

(2) to order it to be sold or otherwise disposed of, after recording such evidence as it thinks necessary;

(3) if the property is subject to speedy and natural decay, to dispose of the same;

12. In our view, the powers under Section 451 Cr.P.C. should be exercised expeditiously and judiciously. It would serve various purpose, namely:

(i) owner of the article would not suffer because of its remaining unused or by its misappropriation;

(ii) court or the police would not be required to keep the article in safe custody;

(iii) if the proper panchanama before handing over possession of the article is prepared, that can be used in evidence instead of its production before the court during the trial. If



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necessary, evidence could also be recorded describing the nature of the property in detail; and

(iv) this jurisdiction of the court to record evidence should be exercised promptly so that there may not be further chance of tampering with the articles.

13. To avoid such a situation, in our view, powers under Section 451 Cr.P.C. should be exercised promptly and at the earliest.

#### **Valuable articles and currency note**

With regard to valuable articles, such as golden or silver ornaments or articles studded with precious stones, it is submitted that it is of no use to keep such articles in police custody for years till the trial is over. In our view, this submission requires to be accepted. In such cases, the Magistrate should pass appropriate orders as contemplated under Section 451 Cr.P.C. at the earliest.

14. On the basis of observations made herein above I am of the opinion that the Ld trial court had no occasion to refuse the release of the seized cows and petitioner has already filed document regarding ownership of the alleged seized cows as



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such the impugned order dated 13.03.2026 appears to be improper which requires the interference of this court under its revisional jurisdiction. Consequently, the impugned order dated 13.03.2026 passed by the Ld trial court is set aside and the Ld trial court is directed to pass the order afresh in the light of the discussions and observations made herein above.

The revision petition stands **Allowed**.

15. Present Revision petition is, accordingly allowed, with above observations.

16. Nothing stated herein shall tantamount to have an expression of opinion of the merits of the case.

17. A copy of the order be sent to court of Anita Kumar, JMFC, Ara along with Trial Court record.

18. File related to Revision petition be consigned to the Record Room.

Dictated and corrected by me.

(Purushottam Mishra)  
Sessions Judge, Bhojpur  
17.04.2026