

IN THE HIGH COURT OF JHARKHAND AT RANCHI
Cr.M.P. No. 532 of 2025

Madan Singh, aged about 54 years, son of late Ramganesch Singh,
resident of Sai Colony, P.O. & P.S.-Chutia, Dist.-Ranchi

.... Petitioner

Versus

1. The State of Jharkhand
2. Vijay Kumar, son of not known to the petitioner, Flying Squad
Magistrate, Namkum cum Block Development Officer Namkum,
P.O. & P.S.-Namkum, Dist.-Ranchi

.... Opp. Parties

P R E S E N T

HON'BLE MR. JUSTICE ANIL KUMAR CHOUDHARY

For the Petitioner	 : Ms. Sonal Sodhani, Advocate
	: Mr. Nilesh Kumar, Advocate
For the State	: Mrs. Priya Shrestha, Spl. P.P. (Through Video Conferencing)
	

By the Court:-

1. Heard the parties.
2. This criminal miscellaneous petition has been filed invoking the jurisdiction of this Court under Section 528 of B.N.S.S., 2023 with the prayer to quash the order dated 24.01.2025 passed in M.C.A. No. 8151 of 2024 in connection with Namkum P.S. Case No. 419 of 2024 by which the prayer of the petitioner to release Rs.1,14,99,980/- has been rejected by the learned J.M.F.C.-IX, Ranchi.

3. The brief fact of the case is that the petitioner is the chairman of a public school of Ranchi and Rs.1,14,99,980/- in cash was seized by the flying squad constituted for the 2024 Legislative Assembly Election in Ranchi. The undisputed fact remains that no other articles relating to the election such as banners, flags or any objectionable articles was recovered from the said public school. The Model Code of Conduct for the Legislative Assembly Election, 2024 is already over. The undisputed fact remains that vide order dated 05.12.2024 the Deputy Development Commissioner-cum-Nodal Officer Expenditure Monitoring and Enforcement Committee for Legislative Assembly, 2024 Ranchi has directed the flying squad/Namkum police station to release the said cash amount to the petitioner; on the petitioner furnishing the acknowledgment receipt of the said amount; as is evident from Annexure-3 at page no. 37 of the brief but as even after such order the money was not released in favour of the petitioner, hence the petitioner filed an application before the learned J.M.F.C.-IX, Ranchi as M.C.A. Nos. 8151 and 8152 of 2024 arising out of Namkum P.S. Case No.419 of 2024. Learned J.M.F.C.-IX, Ranchi was of the view that the order of Deputy Development Commissioner-cum-Nodal Officer Expenditure Monitoring and Enforcement Committee for Legislative Assembly, 2024 Ranchi is not binding upon the learned Judicial Magistrate. The case is still under investigation the offences in respect of which Namkum P.S. Case No. 419 of 2024 has been registered involves the offences

punishable under Section 223 and 176 of B.N.S., 2023 and later on 174 of B.N.S. has also been added and rejected the prayer for release of the said amount in cash to the petitioner.

4. It is submitted by the learned counsel for the petitioner that the petitioner has falsely been implicated due to ulterior motive and the petitioner is the owner of the said public school. It is next submitted by the learned counsel for the petitioner that the case has been lodged only on the basis of suspicion and though investigation is going on for more than a year, the charge sheet has not yet been submitted. It is further submitted by the learned counsel for the petitioner that the undisputed fact remains that the said money was seized from the petitioner and the petitioner has already deposited the income tax return, acknowledgment receipt and other documents and on the basis of which Deputy Development Commissioner-cum-Nodal Officer Expenditure Monitoring and Enforcement Committee for Legislative Assembly, 2024 Ranchi has passed the order for release of the said amount. Relying upon the judgment of the Hon'ble Supreme Court of India in the case of **Sunderbhai Ambalal Desai & Ors. vs. State of Gujarat** reported in (2002) 10 SCC 283, it is submitted by the learned counsel for the petitioner that the currency note in custody shall be released at the earliest. Hence, it is submitted that the prayer as made in this criminal miscellaneous petition be allowed.

5. The learned Spl. P.P. on the other hand vehemently opposes the prayer and submits that huge amount of cash seized by the petitioner is required for the investigation of the case hence, the learned J.M.F.C.-IX, Ranchi has rightly rejected the prayer for release of the same. It is, therefore, submitted that this criminal miscellaneous petition being without any merit be dismissed.
6. Having heard the submissions made at the Bar and after going through the materials in the record, this Court finds that the undisputed fact remains that the petitioner is the owner of the money which was seized from him by the flying squad constituted for Legislative Assembly Election, 2024 Ranchi. The Deputy Development Commissioner-cum-Nodal Officer Expenditure Monitoring and Enforcement Committee for Legislative Assembly, 2024 Ranchi after being satisfied with the relevant documents has passed the order for release of the money. The undisputed fact remains that the petitioner is the owner of the public school and blocking of such a huge amount of money will cause loss to the school in shape of interest that will accrue to the school had it been deposited in any bank or financial institution and which is also required for running of the school. The investigating officer if he so likes can take photographs of the currency note seized but this Court is of the considered view that there is no justifiable reason for not releasing huge amount of money which undisputedly seized from the petitioner and there is no other claimant to such money for such a long time as

investigation is going on for more than a year and there is no definite date by which such investigation will be concluded.

7. Under such circumstances, this Court is of the considered view that the learned J.M.F.C.-IX, Ranchi has committed a grave illegality by not passing orders for release of the said amount in favour of the petitioner. Accordingly, the order dated 24.01.2025 passed by the learned J.M.F.C.-IX, Ranchi in M.C.A. No. 8151 of 2024 in connection with Namkum P.S. Case No. 419 of 2024 is quashed and set aside.
8. The petitioner is directed to furnish an indemnity bond to the extent of Rs.1,14,99,980/- with two solvent sureties with an undertaking to deposit the said amount of money if directed at the conclusion of the trial or at any future date by any Court and upon such indemnity bond being furnished by the petitioner, the learned J.M.F.C.-IX, Ranchi is directed to pass appropriate order directing the Officer-in-Charge of Namkum police station to release the said cash of Rs.1,14,99,990/- in favour of the petitioner forthwith.
9. In the result, this criminal miscellaneous petition is allowed to the aforesaid extent only.

(Anil Kumar Choudhary, J.)

High Court of Jharkhand, Ranchi
Dated the 22nd January, 2026
AFR/Sonu-Gunjan/-

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