

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.2642 of 2018

Arising Out of PS. Case No.-233 Year-2018 Thana- DARBHANGA SADAR District-
Darbhanga

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Vinay Kumar @ Vinay Kumar Yadav, S/o Raja Ram Mahaseth, Resident of
Village-Ravani Rampur, P.O.-Chhatwan, P.S.-Kewati, Distt.-Darbhanga
... .. Petitioner

Versus

1. The State of Bihar.
2. The District Magistrate, Darbhanga
3. The Sub-Divisional Officer, Sadar, Darbhanga.
4. The Block Supply Inspector, Bahadurpur, Distt.-Darbhanga
5. The Officer Incharge, Mabbi (O.P.), Darbhanga

... .. Respondents

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Appearance :

For the Petitioner : Mr. Manoj Kumar Singh, Advocate
For the Respondents-State: Mr. Arvind Ujjwal, SC-4

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL JUDGMENT

Date : 22-10-2019

This application under Articles 226 and 227 of the Constitution of India has been filed by the petitioner for directing the respondents to release the Tata Pick up van vehicle of the petitioner bearing Registration No.BR-07GA-6130.

A preliminary objection has been raised by the learned counsel for the State regarding the maintainability of the writ application in view of the fact that the petitioner had filed an application before the court of Chief Judicial Magistrate, Darbhanga under Section 451 of the Code of Criminal Procedure (for short 'CrPC') for release of the vehicle, which



was rejected vide order dated 01.08.2018. He has contended that against the order dated 01.08.2018, an application under Section 397, 402 and 482 of the CrPC would be maintainable. He has further contended that in view of the availability of an equally efficacious statutory remedy available to the petitioner, this application under Articles 226 and 227 of the Constitution of India would not be maintainable.

At this stage, learned counsel appearing for the petitioner submitted that he may be permitted to withdraw the present application with liberty to challenge the order impugned by way of filing an application under Sections 397, 401 or 482 of the CrPC.

Leave is granted.

The application is disposed of.

(Ashwani Kumar Singh, J.)

Sanjeet/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	24.10.2019
Transmission Date	24.10.2019

