

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.525 of 2019

Arising Out of PS. Case No.-17 Year-2017 Thana- GOVERNMENT OFFICIAL COMP.
District- Patna

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Harwindar Singh Son of Sri Kashmir Singh, Village and PO- Alma, Tahshil
and District - Gurdaspur, Punjab - 143521

... .. Petitioner/s

Versus

1. The State of Bihar through Home Secretary
2. Union of India through Narcotics Control Bureau, Ministry of Home Affairs,
Department of Internal Security, D and E, Block C.G.O. Complex Karpuri
Thakur Sadan, Rajiv Nagar, Patna 800025 through its Intelligence Officer

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Renu Jha, Advocate
For the Respondent/s : Mr.Partha Sarthy, GA-4

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL JUDGMENT

Date : 02-04-2019

In the instant application filed under Articles 226 and 227 of the Constitution of India, the petitioner has challenged the order dated 27.11.2018 passed by the learned Additional District and Sessions Judge-III, Patna in Special Case No. 136 of 2017 whereby he has rejected the application filed by the petitioner under Section 451 of the Code of Criminal Procedure (for short 'Cr.P.C') for release of the Truck bearing registration no. PB-06M-2281 which was seized in connection with NCB Case No. 17 of 2017 registered under Sections 8 and 20 of the Narcotics Drugs and Psychotropic Substances Act,1985.

2. The order passed by the court below is a



final order. Against the final order rejecting the application filed under Section 451 of the Cr.P.C, the petitioner has a statutory remedy under Sections 397 and 401 of the Cr.P.C.

3. In view of the fact that the statutory remedy available under the aforesaid sections 397 and 401 of the Cr.P.C has not been availed of by the petitioner, I am not inclined to entertain this application either in extraordinary jurisdiction or in supervisory jurisdiction under Articles 226 and 227 of the Constitution of India.

4. The application is dismissed with liberty to the petitioner to avail of the statutory remedy available in law against the order impugned dated 27.11.2018 passed by the learned Additional District and Sessions Judge-III, Patna in Special Case No. 136 of 2017.

(Ashwani Kumar Singh, J)

Md. S/SKSuman.

AFR/NAFR	NAFR
CAV DATE	NA
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