

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.1148 of 2019

Arising Out of PS. Case No.-192 Year-2019 Thana- GRIYAK District- Nalanda

Devi Lal @ Dev Lal Yadav, Son of Shiv Gope, Resident of Village -
Vijawanpur, P.S.- Deepnagar, Dist.- Nalanda.

... .. Petitioner

Versus

1. The State of Bihar through Principal Secretary, Panchayati Raj Department,
Government of Bihar, Old Secretariat, Patna.
2. The District Magistrate, Nalanda at Biharsharif (Bihar)
3. The Superintendent of Police, Nalanda at Biharsharif (Bihar)
4. The District Mining Development Officer, Nalanda at Biharsharif (Bihar)
5. The S.H.O. Giriyak Police Station, P.S.- Giriyak, Dist.- Nalanda at
Biharsharif (Bihar).

... .. Respondents

Appearance :

For the Petitioner : Mr. Raj Kishor Prasad, Advocate
For the Respondents-State: Ms. Kumari Amrita, GP-3

CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL JUDGMENT

Date : 13-08-2019

This application has been filed by the petitioner for setting aside the order dated 4th July, 2019 passed by in Giriyak P.S. Case No.192 of 2019 whereby he has rejected the prayer of the petitioner for release of the truck seized in connection with a case registered under Section 379 of the Indian Penal Code and under Mines and Minerals (Development and Regulation) Act, 1957.

2. Apparently, the petitioner is challenging an order passed under Section 451 of the Code of Criminal Procedure by a



court of Magistrate under Articles 226 and 227 of the Constitution of India.

3. In view of the statutory remedy of revision under Sections 397 and 401 of the Code of Criminal Procedure being available to the petitioner, I am not inclined to entertain this application in extraordinary writ jurisdiction.

4. The application, accordingly, dismissed.

5. However, the petitioner will be at liberty to challenge the order impugned by way of filing statutory revision.

(Ashwani Kumar Singh, J.)

Sanjeet/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	14.08.2019
Transmission Date	14.08.2019

