

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.242 of 2020

Arising Out of PS. Case No.-36 Year-2020 Thana- DANAPUR District- Patna

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Manoranjan Kumar Pandey Son of Shatrughan Pandey Resident of - Jalalpur
City, Jamuna-05, Flat No. 303, P.S.- Rupas, District- Patna Petitioner/s
Versus

1. The State Of Bihar Through The Principal Secretary, Deptt. Of Home, Govt. Of Bihar, Patna Bihar
2. The Principal Secretary, Department of Home, Govt. of Bihar, Patna Bihar
3. The Director General of Police, Bihar, Patna Bihar
4. The Deputy Inspector General of Police, Cental Range, Patna Bihar
5. The Senior Superintendent of Police, Patna Bihar
6. The Town Superintendent of Police, West, Patna Bihar
7. The Officer In-Charge, Danapur Police Station, Patna Bihar

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Bindhyachal Singh, Adv.
For the Respondent/s : Mr. Manish Kumar, G.P. 4

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CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

3 17-06-2020 Heard learned counsel for the petitioner and learned
counsel for the State through video conferencing.

The petitioner has filed the instant writ application for directing the respondents authority to unseal the shop/godown namely, Jagdamba Steel in front of St. Karens School, Danapur, Khagoul Road, Patna of the petitioner which has been illegally sealed by the Danapur Police in connection with Danapur P.S. Case No. 36 of 2020. Further prayer has been made for commanding the respondents to methodically investigate the criminal case and for other reliefs.

Having heard learned counsel for the parties and



without going in detail into the merits of the contention of the petitioner, it may be stated that a counter affidavit was filed on behalf of respondent nos. 5 to 7 by Assistant Superintendent of Police, Danapur, Distt. Patna. On a number of occasion in the counter affidavit it has been categorically stated that the premises of the petitioner were not sealed. Iron Rods of Jindal Company and other articles as has been mentioned in the seizure list were seized and on a petition filed under section 451 of the Cr.P.C., the same has been released vide order dated 19.02.220 passed by the Additional Chief Judicial Magistrate-1, Danapur in favour of the power of attorney holder, namely, Uttam Kumar. It is further submitted by learned counsel for the State that for some time a lock had been placed to protect the articles mentioned in the seizure list and once the articles have been released by the order of the learned Court below, there is no lock of the police personnel on the premises.

In view of the above statement as also the categorical statements of the respondents in the counter affidavit, the opinion of this Court is that no relief remains to be granted to the petitioner with respect to un-sealing of the shop/godown.

So far as the other prayer for commanding the respondents to investigate the criminal case bearing Danapur



P.S. Case No. 36 of 2020 in methodical manner is concerned, at this stage, from the materials of record, no case has been made out for the Court to look into the same.

An Interlocutory Application being I.A. No. 1 of 2020 has been filed on behalf of the petitioner praying for directing the respondents to take disciplinary action against the respondent no. 7 and also for grant of compensation for the damages occurred. In view of the statement in the counter affidavit as stated above and also in view of the facts, the prayer made in the interlocutory application has not been allowed, the Court is not entering into the same. It goes without saying that the petitioner always has liberty to file such an application before the appropriate court/forum and to pursue the same in accordance with law.

In view of the above facts and circumstances of the case and in view of the statement made in the counter affidavit filed on behalf of the respondent nos. 5 to 7, wherein they have stated that having not sealed the shop/godown of M/s Jagdamba Steel, Danapur, Patna, the writ application stands disposed of.

(Partha Sarthy, J)

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