

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5963 of 2020

Manish Kumar Son of Harendra Kumar Mahto Passport No. S9565129, R/o Barwat Sena, Ward No.-09, P.S.- Mufassil, District- West Champaran, Bihar.

... .. Petitioner/s

Versus

1. The Union of India through the Secretary, Ministry of External Affairs, Govt. of Bihar, N. Delhi.
2. Secretary, Ministry of External Affairs, Govt. of India, N.Delhi.
3. Assistant Passport Officer, Regional Office, D. Block, Maurya Lok Complex, Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Indrajesh Kumar
For the Respondent/s : Mr.S. D. Sanjay (Ad SG)

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 01-03-2021 The writ petition has been filed seeking the following reliefs:-

- “a) For quashing the order dated 04.09.2019 passed by the Regional Passport Office, Patna (Bihar), whereby and whereunder the passport of the petitioner herein has been impounded on account of pendency of a criminal case before the learned court of Chief Judicial Magistrate, Bettiah which was instituted as Bettiah Mufassil Case No. 108 of 2016 and under Sections 147, 148, 149, 323, 341, 504, 379, 427, 332, 504 and 506 of the Indian Penal Code and also under Section 3 of Damage to Public Property Act.*
- b) For a direction to the respondent authorities directing the Regional Passport Office, Patna*



(Bihar) to release the passport of the petitioner at the earliest.

c) For any other further order/orders or direction/directions as this Hon'ble Court may deem fit and appropriate on the facts and in the circumstances of this case.”

The learned counsel for the petitioner has submitted that the passport of the petitioner has been impounded on account of a criminal case pending against him bearing Bettiah Mufassil P.S. Case No. 108 of 2016 under Sections 147, 148, 149, 323, 341, 504, 379, 427, 332, 504 and 506 of the Indian Penal Code and also under Section 3 of Damage to Public Property Act. It is further submitted that the petitioner has already been released on bail by an order passed by the learned court of CJM, Bettiah, West Champaran dated 30.04.2016. It is also submitted, by referring to paragraph no. 11 of the present petition, that neither any charge sheet has been submitted by the police in the aforesaid criminal case, pending against the petitioner, nor the learned court below has taken cognizance of the offence, hence no criminal case can be said to be pending as against the petitioner herein, thus the impugned order dated 04.09.2019, whereby and whereunder direction has been issued to impound the passport of the petitioner, is illegal.

Per contra, the learned counsel for the respondent-



Union of India Shri Ravindra Kumar Sharma, has submitted that there is a provision of appeal under Section 11 of the Passport Act, 1967, read with Rule 14 of the Passport Rules, 1980.

The learned counsel for the petitioner submits that there is some urgency in the matter since the petitioner has taken admission in MD Physician course for academic session 2019-2020 in S. Tentishev Asian Medical Institute (Asian Medical Institute), Kyrgyz Republic, hence some time be prescribed for disposal of the appeal of the petitioner, which the petitioner seeks to file immediately.

Accordingly, the present writ petition stands disposed off with liberty to the petitioner to file appropriate appeal against the order dated 04.09.2019 and in case such an appeal is filed within a period of four weeks from today, the same shall be disposed off by the appellate authority on merits, without being impeded by the issue of limitation, within a period of four weeks thereafter.

(Mohit Kumar Shah, J)

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