

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.1025 of 2022

Arising Out of PS. Case No.-274 Year-2022 Thana- KHAIRA District- Saran

CHINTA MANI PANDEY SON OF LATE RAM SURAT PANDEY R/O
VILLAGE- BABHANAULI, P.S.- GOVINDGANJ, DIST.- MAHNAI (EAST
CHAMPARAN)

... .. Petitioner

Versus

1. THE STATE OF BIHAR THROUGH PRINCIPAL SECRETARY, MINING
DEPARTMENT, GOVT. OF BIHAR, PATNA
2. SUPERINTENDENT OF POLICE, SARAN, CHAPRA
3. CIRCLE OFFICER CUM MINES INSPECTOR, NAGARA BLOCK
DISTRICT- SARAN, CHAPRA
4. OFFICER INCHARGE, KHAIRA POLICE STATION, SARAN CHAPRA

... .. Respondents

Appearance :

For the Petitioner/s : Mr.Mukesh Kumar Singh, Advocate.
For the Respondent/s : Mr. Gyan Prakash Ojha, GA 7

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 29-09-2022 Learned counsel for the petitioner submits that the truck bearing no. BR-06G-4128 (12 wheels) has been seized in connection with Kaira P.S. Case No. 274 of 2022 registered under Section 188, 379, 411 of Indian Penal Code and 4/21 M.M. DR Act 1957, 11/56 Bihar Protection and illegal Transportation Act, 2021 Section 15 of the Environment Protection Act, 1986.

On query made by this Court as to why he has not moved the learned court below for release of the vehicle in question, learned counsel for the petitioner has no answer. He



relies upon an order dated 05.01.2018 passed by this Court in Cr.W.J.C. No. 2627/2017 by which this Court had directed release of a Hywa.

This Court finds that the case cited on behalf of the petitioner was entertained in different facts situation wherein there was no case pending against the petitioner or the vehicle in question had been seized unauthorizedly.

In this case, the distinguishing feature is that the vehicle has been seized and a case has been registered. In such circumstances, this writ application is being disposed of holding it premature.

The petitioner will be at liberty to file an appropriate application in the learned court below for release of the vehicle in question. If such an application is filed within 30 days from today, the same will be considered and disposed of within a period of 60 days from the date of filing of the application.

This application stands disposed of accordingly.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

