

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.1062 of 2022

Arising Out of PS. Case No.- Year-0 Thana- District- Banka

AMARDIP SAH S/o Bakeshwar Sah R/o vill. and P.O.- Surni, P.S. Mehra
Dist.- Godda (Jharkhand.)

... .. Petitioner

Versus

1. The State Of Bihar through The Chief Secretary , Govt. Of Bihar
2. The Principal Secretary, Minerals and Mines, Bihar, Patna.
3. The District Magistrate, Banka.
4. The District Mining officer, Banka.
5. The Mining Inspector, Banka.
6. The SHO, Barahat, P.s. Banka.

... .. Respondents

Appearance :

For the Petitioner/s : Mr.Ashok 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 undertakes to remove
all the S.R. defect(s) within four weeks from today.

The petitioner in the present case is seeking release of
truck (14 wheeler) bearing registration no. NL01AB-7647 which has
allegedly been seized by the Mining Inspector, Banka (respondent
no. 5).

It is stated in the writ application that the truck in question
has been seized and handed over to officer-In-Charge of Barhat
Police Station and seizure has been shown showing failure of Road
-E-Challan which according to the petitioner was due to traffic issue.

From the writ application it does not appear as to whether
the Police has registered any case. A copy of the communication



from Mines Inspector, Banka to the Officer-In-Charge of Barhat Police Station has been brought on record as Annexure ‘2’ from which it appears that the vehicle in question has been seized and handed over to Police with a direction that until further order of the said authority or the competent court the vehicle be kept under seizure.

Under the circumstances, this Court is of the considered opinion that instead of moving this Court directly for release of the vehicle in question under Article 226 of the Constitution of India, the petitioner was obliged to move for release of the vehicle under the statutory provisions before the competent authority or the competent court, as the case may be.

This writ application is, thus, disposed of with liberty to the petitioner to seek his remedy before the competent authority/competent court, as the case may be, in accordance with law.

Certified copy of this order shall be made available only after removal of the defects.

(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'.

