

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.1478 of 2023

Arising Out of PS. Case No.-93 Year-2023 Thana- SIMRI District- Buxar

Rajendra Pandey @ Rajendra Prasad, Son of Chandrama Pandey, Resident of
Village - Bakulaha Patti Semari, P.S. - Semari, Distt. - Buxar

... .. Petitioner/s

Versus

1. The State of Bihar through Secretary, Home Department, Gov. Of Bihar Patna Bihar
2. The Dist. Magistrate Buxar Bihar
3. The Sub Divisional Magistrate (SDM) Dumraon, Distt. - Buxar Bihar
4. The Superintendent of Police Buxar Bihar
5. The Police Inspector cum Officer-In-Charge Simari, P.S. - Simari, Distt. - Buxar Bihar

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Amrendra Narayan Rai, Advocate

For the Respondent/s : Mr. Saroj Kumar Sharma, AC to AAG-3

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 09-11-2023 Heard learned counsel for the petitioner and learned AC
to AAG-3 for the State.

2. Petitioner in the present writ application has questioned the order dated 17.05.2023 passed by learned Additional Chief Judicial Magistrate-IV, Buxar in Simari P.S. Case No.93 of 2023 (State Vs. Naveen Kumar Rai).

3. By the impugned order, the learned Magistrate has rejected the request of the petitioner to unseal the marriage hall which has been sealed by the Inspector of Police on 17.03.2023 after registration of FIR giving rise to Simri P.S. Case No.93 of 2023 dated 17.03.2023 under Sections 3/4/5/7/8 of the Immoral Traffic (Prevention) Act, 1956 (hereinafter referred to as the 'Act



of 1956'). The allegation is that when a raid was conducted in the said marriage hall, it was found that owner of the marriage hall was providing rooms in the said hall to the persons who were indulged in doing immoral acts and for this purpose they were visiting the hall with a woman who has been allured to establish physical relationship in lieu of money.

4. Learned counsel for the petitioner submits that the application for unsealing of the premises of the marriage hall has been rejected on the solitary ground that the investigation of the case was still pending. It is stated that about six months have gone after passing of the impugned order by the learned Magistrate and by this time the investigation must have been completed or in any case the investigating officer has got sufficient time to collect evidence from the sealed premises.

5. Learned counsel submits that to his knowledge, no proceeding under Section 18(1) and 18(2) of the Act of 1956 has been initiated. In this regard, he relies upon an order of this Court passed on 06.09.2022 in Cr.W.J.C. No.590 of 2022, a copy of which has been enclosed as Annexure- '5' to the writ application.

6. Learned counsel for the State submits that since sufficient time has been available to the I.O. of the case to collect evidences, if any, from the sealed premises, at this stage the petitioner may apply afresh before the learned A.C.J.M.-IV, Buxar



for unsealing of the premises and he would have no objection if the application of the petitioner is considered afresh keeping in view the discussions made by this Court in it's order dated 06.09.2022 passed in Cr.W.J.C. No.590 of 2022.

7. Having regard to the facts and circumstances of the case and the materials available on the record, this Court is of the opinion that the petitioner may file a fresh application in the court of learned A.C.J.M.-IV, Buxar for release of the marriage hall. If such an application is filed, the same will be considered keeping in view the fact that the investigating agency has already got about eight months from the date of sealing of the premises and further the learned court shall consider the scheme of the Act of 1956 particularly Section 18 thereof and keeping in view the order of this Court in Cr.W.J.C. No.590 of 2022, an appropriate order shall be passed by the learned A.C.J.M.-IV, Buxar within a period of two months from the date of filing of the application by the petitioner.

8. This application stands disposed of accordingly.

(Rajeev Ranjan Prasad, J)

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