

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.1133 of 2023

Arising Out of PS. Case No.-570 Year-2019 Thana- BARACHATTI District- Gaya

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Shyam Bisnoi @ Shyam Bishnoi @ Shyam Beniwal Son of Gordhan Bisnoi
@ Gordhan Ram Beniwal @ Gordhan Beniwal Resident of Plot no. 10
Khokhriya Beara Pyau Ke Samne, Ranaji Ka Bagh, Jodhpur, PS- Jodhpur,
District- Jodhpur, Rajasthan

... .. Petitioner/s

Versus

1. The State of Bihar, through the Director General of Police, Bihar at Patna Bihar
2. The District Magistrate, Gaya at Gaya Bihar
3. The Superintendent of Police, Gaya at Gaya Bihar
4. The Station House Officer, Barachatti Police Station at Barachatti, District- Gaya Bihar
5. The Kotak Mahindra Bank Limited, Jaipur, through it's Manager At 3rd Floor, 57 Krishna Tower Sardar Patel Marg C Scheme, Jaipur-302001, Rajasthan
6. Balwant Ram Son of Majita Ram Jee Resident of Nati Ki Dhadhiya, Malung, Tahsil-Ansiya, P.S.- Matanya, District- Jodhpur-Rajasthan

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Uma Shankar Singh, Advocate
For the Respondent/s : Mr.Iqbal Asif Niazi, AC to GP 5

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CORAM: HONOURABLE MR. JUSTICE BIBEK CHAUDHURI
ORAL ORDER

2 21-02-2024 The petitioner has challenged an order passed by the learned Sessions Judge, Gaya, on 17th of February, 2023, upon an application filed by one Shyam Bisnoi @ Shyam Beniwal, the petitioner herein, for the return of seized truck bearing Registration No. RJ-19-GF-2597, which was seized in connection with Barachatti P.S. Case No. 570 of 2019 corresponding to N.D.P.S. Case No. 17 of 2020.



This Court is of the view that since the instant writ petition has been filed against an order passed by the learned Sessions Judge, Gaya, in his judicial side, alleging, *inter alia*, non-consideration of the provisions contained in Sections 451 and 457 of the Cr.P.C. regarding the return of the said vehicle, the order impugned is amenable to revision under Section 397, read with Section 401 of the Cr.P.C. and the writ petition is not maintainable.

At this stage, it is submitted by the learned Advocate for the petitioner that he may be permitted to convert the instant writ petition to a criminal revision.

The petitioner is allowed to convert the instant writ petition to a criminal revision if the Patna High Court Rules permit.

The learned Advocate for the petitioner is at liberty to mention the matter for early hearing immediately after conversion of the instant writ petition.

In view of the above order, the instant writ petition be treated as withdrawn.

(Bibek Chaudhuri, J)

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