

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.2046 of 2023

Arising Out of PS. Case No.-29 Year-2023 Thana- D.R.I District- Patna

-
1. Md. Kamruzzaman Badal S/O Late Md. Samsul Haque R/O Village- 1100 Meraj Nagar Block C Kadomtoli Meraj Nagar 1214 Dhaka (BANGALADESH)
 2. Mohammad Aiub Ali S/O Mohammad Sirajul Islam R/O Village- Munshipur, Kalmakanda Metrokna, Bangaldesh.
 3. Md. Saheb Ali S/O Mohammad Sirajul Islam R/O Village- Munshipur Kalmakanda 2430 Netrokom, Bangaldesh.

... .. Petitioner/s

Versus

1. The Union of India through The Secretary Ministry of Home Affairs, Govt. of India. New Delhi
2. The State of Bihar, through Additional Chief Secretary, Home Department (Prisons). Bihar
3. The Director General of Police, Patna Bihar
4. Inspector General (Prisons) Patna, Bihar Bihar
5. The Senior Superintendent of Police, Patna. Bihar
6. The Superintendent, Aadarsh Central Jail, Beur, Patna. Bihar
7. Directorate of Revenue Intelligence (through DRI Regional Unit, Patna), Govt. of India
8. Foreigner's Division, Union Ministry of Home Affairs. New Delhi
9. Foreigners Regional Registration Officer, Ministry of Home Affairs

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Akhauri Kamal Kishore Sahay, Advocate
For the Respondent/s	:	Mr. Dr. Krishna Nandan Singh (ASG)
For the UOI	:	Mr. Bindhyachal Rai, Sr. panel counsel
For the DRI	:	Mr. Ranvir Kumar, Advocate
For the State	:	Mr. Prabhu Narayan Sharma, AC to AG

CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
and

HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE P. B. BAJANTHRI)

Date : 28-03-2024

In the instant petition, petitioner has prayed for the following reliefs:-



- i. *For issuance of writ of habeas corpus directing the respondents to release the petitioners herein from unlawful detention/ illegal confinement from Model Central Jail, Beur, Patna.*
- ii. *For issuance of writ of mandamus to show cause as to why the petitioners have not been released from custody, in spite of having been granted bail vide order dated 27.04.2023 in connection with Complaint case no.24(O)/2023, DRI Patna Unit case no.- 29/2022-23.*
- iii. *For issuance of writ of mandamus directing the respondents to grant extension of stay visa or to issue a special permit/visa/travel document to the petitioners till the pendency of trial or to take immediate steps for repatriation of the petitioners to Bangladesh.*
- iv. *For grant of such amount of compensation to the petitioners as this Hon'ble Court deems fit and proper, on account of violation of the basic human rights and the fundamental rights enshrined in Article 21 of the Constitution of India.*
- v. *For any other relief/reliefs to which the petitioner may be found entitled.*

2. Learned counsel for the 7th respondent pointed out para 13 of the counter affidavit. It is relevant to reproduce para 13 and it reads as under:-

13. That, so far, the statement contained in para no.13 of this Writ Petition is concerned, it is submitted that the order dated 10.10.2023 was passed by the Special Judge, Economic Offence Court, Patna to sent the petitioners in Detention Centre. Hence is judicial order, therefore, no further comment is offered.

3. We have noticed that petitioner was sent to



detention Centre by virtue of judicial pronouncement/ order by the Special Judge, Economic Offences Court, Patna. In such circumstances, petitioner’s aforementioned prayer is not maintainable. On the other hand, he has statutory remedy of filing Criminal Revision. Therefore, the present petition is not maintainable.

Accordingly, present petition stands disposed of as not maintainable, reserving liberty to the petitioner to invoke Criminal Revision jurisdiction in questioning the order dated 10.10.2023 of the Special Judge, Economic Offences Court, Patna.

4. With the above observations, the petition stands disposed of.

(P. B. Bajanthri, J)

(Alok Kumar Pandey, J)

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AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	02.04.2024
Transmission Date	N/A

