

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.330 of 2024

Arising Out of PS. Case No.-893 Year-2021 Thana- KHAGARIA District- Khagaria

Pappu Sah S/o- Narayan Sah Village- Sansarpur, P.S.- Muffasil, District-
Khagaria

... .. Petitioner/s

Versus

1. The State of Bihar
2. The District Collector Cum District Magistrate Khagaria Bihar
3. The District Agriculture Officer Khagaria Bihar
4. The Superintendent of Police, Khagaria Bihar
5. The Officer Incharge, Muffasil Khagaria Bihar

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Anil Kumar Choudhary, Advocate
For the State	:	Mr. Md. Raisul Haque, SC 10

CORAM: HONOURABLE MR. JUSTICE BIBEK CHAUDHURI
ORAL ORDER

2 06-02-2025 By invoking constitutional writ jurisdiction under Article 226 of the Constitution of India the petitioner has prayed for an order directing the police authority to open a part of the ground floor of the building which was allegedly seized for running illegal business of fertilizers by the tenant of the petitioner. The portion of the building was seized by the police in connection Khagaria (Mufassil) P.S. Case No. 893 of 2021 which is at the stage of investigation.

2. It is needless to say that the learned Magistrate has statutory power for releasing of seized article under Sections 451 and 457 of the Code of Criminal Procedure. The petitioner



has the remedy to approach the learned Magistrate for the appropriate relief.

3 When there is efficacious relief available in the Code of Criminal Procedure, writ petition does not lie. Accordingly, the instant writ petition is dismissed. However, liberty is granted to the petitioner to move before the learned Magistrate for appropriate remedy.

(Bibek Chaudhuri, J)

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