

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.507 of 2023

Arising Out of PS. Case No.-361 Year-2021 Thana- BALIYA District- Begusarai

=====

Vijay Kumar S/O Ishwar Khalifa R/O Village- Sattichaura, Lice Station Balia,
Distt.- Begusarai.

... .. Petitioner/s

Versus

1. The State of Bihar Through The Director General Of Police, Patna
2. The District Magistrate, Begusarai
3. The Superintendent Of Police, Begusarai
4. The S.H.O, Balia
5. The Sub Divisional Officer, Balia

... .. Respondent/s

=====

Appearance :

For the Petitioner/s	:	Mr. Radha Mohan Singh, Adv., Mr. Navin Kumar Singh, Adv., Mr. Akhilesh Kumar, Adv.
For the State	:	Mr. Sheo Shankar Prasad, SC-8

=====

CORAM: HONOURABLE MR. JUSTICE BIBEK CHAUDHURI
ORAL ORDER

3 08-01-2025 On 2nd November, 2021, indisputably Police conducted raid in the house of the petitioner to unearth an allegation of some illegal activity under Immoral Traffic (Prevention) Act, 1956. During raid, Police recovered some minor girls and a case under the penal provision of Immoral Traffic (Prevention) Act was registered against the petitioner and others.

2. The Investigating Officer submitted an application before the S.D.O., Balia, praying for adjudication of the place of occurrence under Section 18 of the said Act, on the ground that



the place of occurrence is situated in the vicinity of public place and a temple. The S.D.O., passed an order on 3rd January, 2022 directing one Chandan Kumar, Circle Officer, Balia to investigate into the matter with the S.H.O. and I.O. of Balia P.S. and submit a report to him. The S.H.O. was directed to videograph the entire proceeding of the enquiry.

3. Under such backdrop, it is contended on behalf of the petitioner that in terms of Section 18 (1), the S.D.O., did not issue notice to the petitioner to show cause within 07 days of the receipt of the notice, why the place of occurrence should not be attached for improper use thereof. Therefore, the entire proceeding under Section 18 of the Immoral Traffic (Prevention) Act, is illegal and liable to be set aside.

4. I have perused the petition as well as the counter affidavit filed on behalf of the State, it is contended by the learned Advocate for the petitioner that the petitioner is the rightful owner of the alleged place of occurrence. Therefore, before passing any order or attachment, it was the duty of the Circle Officer, who was directed to act in accordance with Section 18 of the Immoral Traffic (Prevention) Act, on behalf of the S.D.O., Balia to issue notice to the petitioner before passing any order of attachment. It is not disputed that till date no



attachment order has been passed. The petitioner has also not been asked to show cause in terms of Section 18(1).

5. In view of such circumstances, the instant writ petition is disposed of directing the Circle Officer, Balia to issue notice under Section 18 (1) of the Immoral Traffic (Prevention) Act to the petitioner and dispose of the case positively within 60 days from the date of communication of this order.

6. With the above direction, the instant writ petition is disposed of.

(Bibek Chaudhuri, J)

pravinkumar/-

U		T	
---	--	---	--

