

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.123 of 2026

Arising Out of PS. Case No.-60 Year-2025 Thana- GAURICHAK District- Patna

1. Ranjan Kumar S/o Vrindachand Singh R/o PO Mittan Chak, Udaini, Punpun, P.S.- Gopalpur, Dist.- Patna
2. Raj Nandan Singh S/o Dularchand Singh R/o PO Mittan Chak, Udaini, Punpun, P.S.- Gopalpur, Dist.- Patna

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Bihar, Patna
2. The Additional Chief Secretary, Deptt. of Mines and Geology, Govt. of Bihar, Patna
3. The Director General of Police, Bihar, Patna
4. The District Magsitrate, Patna, Bihar
5. The Superintendent of Police, Patna Bihar
6. The Mineral Development Officer, Patna, Bihar
7. The Mines Inspector, Patna, Bihar
8. The S.H.O., Gaurichak Police Station, Distt.- Patna, Bihar

... .. Respondent/s

with

Criminal Writ Jurisdiction Case No. 51 of 2026

Arising Out of PS. Case No.-60 Year-2025 Thana- GAURICHAK District- Patna

Ram Prakash Yadav Son of Late Dev Nandan Yadav Resident of Naya tola, Kumhrar, Bahadurpur Housing Colony, Ashok Nagar, Police Station- Agamkuan and District - Patna

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Bihar, Patna. Patna
2. The Additional Chief Secretary, Department of Mines and Geology, Government of Bihar, Patna Bihar
3. The Director General of Police, Bihar, Patna. Bihar
4. The District Magistrate, Patna, Bihar Bihar
5. The Superintendent of Police, Patna, Bihar. Bihar
6. The Mineral Development Officer, Patna, Bihar. Bihar
7. The Mines Inspector, Patna, Bihar. Bihar
8. The S.H.O., Gaurichak Police Station, District-Patna, Bihar. Bihar

... .. Respondent/s



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Appearance :

(In Criminal Writ Jurisdiction Case No. 123 of 2026)

For the Petitioner/s : Mr.Avinash Chandra, Advocate

For the Respondent/s : Mr. Md. Harun Quareshi, AC to SC-1

(In Criminal Writ Jurisdiction Case No. 51 of 2026)

For the Petitioner/s : Mr.Avinash Chandra, Advocate

For the Respondent/s : Mr.S.C.4

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

4 18-06-2026 In Cr.W,J.C. No. 123 of 2026, the petitioners seek
following relief(s):-

"i For release of vehicle of the petitioner bearing registration no. BR-01-GF-5516 and BR-01-GE-0885 which has been seized by the Mines Inspector, Patna (Respondent no. 7) on 06.02.2025 in Gaurichak P.S. Case No. 60/2025.

ii. For any further relief/reliefs, direction/directions, or order/orders which are found admissible during the course of arguments."

02. In Cr.W,J.C. No. 51 of 2026, the petitioner seeks following relief(s):-

"i For release of vehicle of the petitioner bearing registration no. JH-01-DK-6431 which has been seized by the Mines Inspector, Patna (Respondent no. 7) on 06.02.2025 in Gaurichak P.S. Case No. 60/2025.



ii. For any further relief/reliefs, direction/directions, or order/orders which are found admissible during the course of arguments."

03. Perusal of record shows the petitioners have approached the court of learned Additional Chief Judicial Magistrate-II, Patna City in Gaurichak P.S. Case No. 60 of 2025 for release of the vehicles, but their prayer was rejected by the learned Additional Chief Judicial Magistrate-II. Thereafter, they approached before learned Additional Sessions Judge-VIII, Patna City by filing Criminal Revision Nos. 519 of 2025 and 557 of 2025, respectively. However, both the revision petitions were also dismissed.

04. Now seeking release of the vehicles by filing criminal writ petitions under Section 226 of the Constitution of India would effectively means to challenge the orders passed by the learned Additional Chief Judicial Magistrate as well as Additional Sessions Judge for the reason that without setting aside these orders, the order of release of the vehicles of the petitioners could not be passed. The Hon'ble Supreme Court in the case of *Neeta Singh & Ors. Vs. State of Uttar Pradesh & Ors.*, 2024 SCC OnLine SC 5761 and *Pradnya Pranjal Kulkarni Vs. State of Maharashtra & Anr.*, 2025 SCC OnLine



SC 1948 has held that judicial orders are not amenable to writ petition under Article 226 of the Constitution of India.

05. Faced with the situation, learned counsel for the petitioners seeks permission to convert both the petitions into criminal miscellaneous petitions under Article 227 of the Constitution of India.

06. Prayer is allowed.

07. Learned counsel for the petitioners is directed to convert both the petitions into criminal miscellaneous petitions within two weeks.

08. Office is directed to extend all cooperation towards conversion.

(Arun Kumar Jha, J)

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