

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.2009 of 2025

Arising Out of PS. Case No.-168 Year-2024 Thana- Kharagpur District- Munger

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Ramesh Shaw S/o- Late Bijay Shaw R/o- Chandmari Road Rabindra Nagar,
Haora Corporation Ps- Sankrail Dist- Howrah, W.B

... .. Petitioner/s

Versus

1. The State of Bihar through the Secretary of Petroleum and Natural Gas Department, Bihar, Patna
2. The Secretary of Petroleum and Natural GAs Department, Bihar, Patna Bihar
3. The Collector Cum District Magistrate, Munger Bihar
4. The Superintendent of Police, Munger Bihar
5. The SHO Kharagpur, Munger Bihar

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Ajay Kumar Singh, Adv. Mr. Vijay Kumar, Adv.
For the Respondent/s	:	Mr.Manish Kumar, G.P 4

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 13-02-2026 The present petition has been filed seeking the following reliefs:-

“I. For issuance of direction especially to the respondent no. 3 to release the “Tanker” bearing reg. no. WB-11C-5627, which was seized in Kharagpur P.S. Case No. 168 of 2024 dated 28.05.2024 for offence punishable under Sections 419, 420, 120(B) of the IPC & Section 3, 7 of the E.C. Act in favour of the petitioner.

II. Also for any other relief/reliefs for which the petitioner is entitled in the eye of law.”

02. Learned counsel for the petitioner submits that the

petitioner has filed an application on 24.10.2024 before the Court of learned SDJM, Munger praying for release of his tanker bearing Registration No. WB-11C-5627. Learned counsel further submits that another application to the same effect was given on 28.10.2024. Pursuant to the filing of the said application, learned trial court called for the report from the concerned Police Station and the District Transport Officer. The learned trial court also called for report regarding status of confiscation proceeding. Though the reports have been received, the learned trial court has not passed any orders till date. The vehicle of the petitioner is being wasted every day and losing its road worthiness and the loaded article is also losing its value.

03. Learned counsel appearing on behalf of the State/respondents submits that for the same relief, the petitioner is already before the learned trial court and hence the present writ petition is not maintainable.

04. Since the petition of the petitioner for release of his vehicle is already pending before the learned trial court, the learned trial court is directed to dispose of the application of the petitioner for release of his vehicle, if it is not disposed of till date, in the light of decision of the Hon'ble Supreme Court in the case of ***Sunderbhai Ambalal Desai Vs. State of Gujarat***,

reported in (2002)10 SCC 283 at the earliest and preferably within 15 days of receipt/production of copy of this order.

05. Accordingly, the present petition is disposed of.

(Arun Kumar Jha, J)

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