

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.2678 of 2025

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Dharmendra Kumar Gupta @ Dharmendra Krantikari, S/o Vijay Prasad Gupta, R/o Village- Madhopur, P.S- Madhopur (Barauli), Distt.- Gopalganj, Bihar.

... .. Petitioner

Versus

1. The State of Bihar through the Additional Chief Secretary, Home Department, Government of Bihar, Patna.
2. The Additional Chief Secretary, Home Department, Government of Bihar, Patna.
3. The Special Secretary, Home Department, Government of Bihar, Patna.
4. The Deputy Secretary, Home (Police) Department, Government of Bihar, Patna.
5. The Collector-Cum-District Magistrate, Gopalganj.
6. The Superintendent of Police, Gopalganj.
7. The Superintendent of Jail, Divisional Jail, Gopalganj.

... .. Respondents

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Appearance :

For the Petitioner	:	Mr. Jagannath Singh, Advocate Mr. Md. Ghulam Mustafa, Advocate Mr. Anil Kumar, Advocate
For the State	:	Mr. Pankaj Kumar, S.C.12 Mr. Anuj Kumar, AC to S.C.12

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
and
HONOURABLE MR. JUSTICE SUNIL DUTTA MISHRA
ORAL ORDER

(Per: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD)

3 13-07-2026 Heard learned counsel for the petitioner and learned
S.C- 12 for the State.

2. The petitioner in the present case is seeking a writ
in the nature of Writ of Certiorari to quash and cancel the order
of detention as contained in Memo No. 1606 dated 04.08.2025
(Annexure-‘P/2’) passed by the Collector-cum-District



Magistrate, Gopalganj in exercise of his power under sub-section (2) of Section 12 of the Bihar Crime Control Act, 2024 (hereinafter referred to as the 'BCC Act').

3. It is the case of the petitioner that the Collector, Gopalganj has not applied a judicious mind while passing the impugned order. The petitioner was already in judicial custody and confined in Gopalganj Divisional Jail, therefore, there was no chance of his indulging into any act of disturbance of public order. The order impugned is malicious and it has been passed at the instance of his rivals.

4. Learned counsel submits that this petitioner has a dispute with his father as his father is the *Mukhiya* and this petitioner was contesting the *Mukhiya* election.

5. Learned S.C-12 for the State submits that the order under sub-section (2) of Section 12 has already taken effect. The maximum period for which the order may be passed under the said provision would be a period of six months only. This six months' period has already expired, thus, nothing remains for adjudication in the present writ application, save and except to go for an academic discussion.

6. Learned counsel for the petitioner does not contest the fact that the impugned order has already taken effect and



there is no extension of the said order.

7. Having regard to the circumstances stated herein above and the submissions at the Bar, we are of the considered opinion that this writ application has become infructuous. It is being disposed of as having become infructuous but leaving all questions open for consideration if any such occasion arises in future.

(Rajeev Ranjan Prasad, J)

(Sunil Dutta Mishra, J)

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