

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.567 of 2021

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Sushil Kumar, Son of Late Rameshwar Sharma, Resident of Village-Datiyana,
P.S.- Bikram, District-Patna.

... .. Petitioner/s

Versus

1. The State of Bihar .
2. The Director General of Police, Bihar.
3. Deputy Inspector General of Police, Darbhanga Range, Darbhanga.
4. The Superintendent of Police, Madhubani.

... .. Respondent/s

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Appearance :

For the Petitioner	:	Mr. Rajendra Narain, Sr. Advocate Mr.Lala Sheshendra Narayan Rais, Advocate Mr. Shashank Shekhar Sinha, Advocate
For the State	:	Mr.Nadim Seraj, G.P.-5 Ms. Shalini AC to G.P.5

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

7 08-09-2022 Heard Mr. Rajendra Narain, learned Senior Counsel

appearing for the petitioner as well as the learned State Counsel.

After scaling down of the order of punishment from
dismissal, in compliance of the Court's order dated 11.07.2019
passed in CWJC No.9722 of 2019, the petitioner is visited with
penal consequence of withholding of two annual increments
with non-cumulative effect and three black-marks, which
admittedly is a major punishment under the Bihar Police
Manual.

The aforesaid punishment was required to be
examined with reference to the proportionality with the offence,



of petitioner being in an inebriated condition, and violation of the Bihar Prohibition and Excise Act, which are penal in nature.

Learned Senior Counsel submits that even today, the punishment is excessive, inasmuch as it is a major punishment and likely to affect his promotional avenues for all times to come. Having submitted so, he further submits that the criminal trial arising out of the same allegation is still pending in Danapur Rail P.S. Case No.57 of 2017. The petitioner may therefore be permitted to reserve his right to approach the authorities for re-consideration of the quantum, in the event he stands acquitted in the criminal proceedings, as the very same breath analyzer report forms the basis of the petitioner's punishment departmentally as well as implication in the criminal trial.

In view of the aforesaid submissions, and reserving the petitioner's liberty, as submitted, the application stands disposed of.

(Madhuresh Prasad, J)

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