

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.494 of 2023

Arising Out of PS. Case No.-316 Year-2022 Thana- KHAJEKALA District- Patna

Aditya Kumar Thakur Son Of Shree Jagdish Thakur R/O Mohalla-
Chaughara, Loha Ka Pul, P.S.- Khajekala, District- Patna

... .. Petitioner/S

Versus

1. The State Of Bihar Through The Chief Secretary (POLICE), Bihar, Patna
2. The Director General Of Police, Patna East, Patna
3. Sr. Superintendent Of Police, Patna East, Patna
4. The Officer In-Charge, Khajekala Police Station Patna
5. Mr. Tabrej Alam, A.S.I., Khajekala Police Station, Patna

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Rama Nand Poddar, Adv.
For the Respondent/s	:	Mr. Manish Kumar, Adv.

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 28-04-2023 Learned counsel for the petitioner and learned counsel
for the State present.

Counsel for the petitioner has filed this criminal writ application for proper investigation in connection with Khajekala P.S. Case No. 316 of 2022 dated 06.10.2022 lodged under Section 30(a) of Bihar Prohibition and Excise (Amendment) Act, 2018.

Counsel for State submits that this case may be disposed off in the light of order passed in *Surendra Singh Vs. The State of Bihar & Ors.* in *Cr. WJC. No. 153 of 2017* and analogous cases decided on 09.09.2022.

Counsel for the petitioner submits that petitioner has already filed representation before the high police officials and he has apprehension that present case has been filed against the police officials, therefore, justice may not takes place at the hand of the police officials.

In that view of the matter that the order passed in *Surendra Singh Vs. The State of Bihar & Ors.* in *Cr. WJC. No. 153 of 2017* and analogous cases decided on 09.09.2022, paragraph 10(vi) and (vii) related to Chief Judicial Magistrate, petitioner is directed to file his representation before the Chief Judicial Magistrate.

In this view of the matter, the present criminal writ petition is **disposed off** with direction to the petitioner to file representation before the Chief Judicial Magistrate, Patna in the light of the order passed in *Surendra Singh Vs. The State of Bihar & Ors.* in *Cr. WJC. No. 153 of 2017* with analogous cases decide on 09.09.2022 within four weeks' from today and the Chief Judicial Magistrate, Patna shall consider the representation and take appropriate action.

(Dr. Anshuman, J.)

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