

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.45 of 2022

Arising Out of PS. Case No.-3 Year-2021 Thana- PALIGANJ District- Patna

AJAY KUMAR @ BADAL PASWAN S/o Rampravesh Paswan R/o village-
Darbeshpur, Uparwar, P.S.- Maner, District- Patna

... .. Petitioner/s

Versus

1. The State of Bihar, the Director General of Police, Patna
2. The Senior Superintendent of Police, Patna
3. The Station House Officer, Maner Police Station, Patna
4. The Station House Officer, Bikram Police Station, Patna
5. The Station House Officer, Ranitalab Police Station, Patna
6. The Station House Officer, Khiri More Police Station, Patna
7. The Station House Officer, Paliganj Police Station, Patna

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Paras Nath
For the Respondent/s : Mr.Prabhat Kumar Verma

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 3 22-08-2023 1. The petitioner is an accused in Paliganj PS Case No. 03 of 2021 dated 03-01-2021 registered under Sections 8/20 (b)[II(c)] of the Narcotic Drugs & Psychotropic Substances Act pursuant to recovery of commercial quantity of *Ganja* having weight of 21.860 Kg. He has filed the present writ application for a direction to the respondents-authorities to produce C.C.T.V. footage from the Maner Police Station, Bikram Police Station, Ranitalab Police Station, Khiri More Police Station & Paliganj Police Station.

2. According to the petitioner, the petitioner has



falsely been implicated in this case as he was arrested by the Police six days prior to the F.I.R. under the N.D.P.S. Act lodged against him on 28-12-2020.

3. The brief facts giving rise to the present writ application is that on 03/01/2021 at about 9:00 AM the informant i.e. Inspector -cum- SHO, Paliganj Police Station received confidential information that two persons were coming on a tempo from Patna to Ranitalab and their activities were suspicious. Upon receiving the said information, the informant proceeded to verify the information and started checking the vehicle en route. After fifteen minutes he got information that the said two persons are standing by the side of the road towards Mahabalipur More along with a gunny bag. The informant immediately went there, searched the persons including the petitioner and recovered 21.860 Kg of Ganja from their possession. Accordingly seizure list was prepared on 03-01-2021. The arrested accused persons disclosed their name as Ajay Kumar @ Badal Paswan [i.e. petitioner] and one Niraj Das.

4. Learned counsel for the petitioner submits that petitioner has falsely been implicated in this case by the Police inasmuch as he was already arrested by the Maner Police on 28-12-2020 at about 9:30 PM from his house at Darbeshpur. The



Bikram Police Station brought the petitioner at about 10:30 P.M. to the Ranitalab Police Station. He remained there till 1:30 A.M. [i.e. 29/12/2020] and thereafter, the petitioner was brought to Khiri More Police Station and finally was brought to Paliganj Police Station on 30/12/2020. The petitioner finding himself being falsely implicated in this case and having lost his faith in fair investigation has invoked writ jurisdiction of this Court to call for the C.C.T.V. footage from the Police Stations of Maner, Bikram, Ranitalab, Khiri More & Paliganj. The wife of the petitioner has submitted an application about the false implication of her husband to the Office of D.G.P., Bihar and Senior Superintendent of Police, Patna on 20-01-2021.

5. Learned counsel for the State submits that the contention of the petitioner is not correct and he is raising a false alibi inasmuch as all the contemporaneous documents i.e. F.I.R., seizure list, arrest memo, examination of doctor and production of petitioner before the learned Magistrate on 04-01-2021 would go to show that petitioner was arrested on 03/01/2021 along with the contraband and his confessional statement was recorded by the Police. However, he submits the duration of storage of C.C.T.V. data is generally one month and thereafter the data is automatically erased due to storage



capacity for a limited period.

6. I have heard learned counsel for the parties and have perused the material available on record. From the F.I.R. it appears that the petitioner was intercepted by the Police on 03-01-2021 along with the co-accused / Niraj Das and commercial quantity of Ganja was recovered from them. The seizure list was also prepared on 03-01-2021 and arrest memo is also of the same date i.e. 03/01/2021. The confessional statement of the petitioner was also recorded on 03/01/2021. The petitioner was produced before the Primary Health Centre for examination on 04-01-2021 and thereafter he was produced before the learned Magistrate for remand.

7. At the time of remand the petitioner has not raised this objection before the learned Magistrate regarding his arrest by the Police prior to lodging of the F.I.R. on 28/12/2020. The co-accused, who was arrested along with the petitioner has also not come forward either before the Police authority or before this Court with a plea that the petitioner was not arrested along with him. In the representation filed on 20-01-2021 the wife of the petitioner has also not demanded the C.C.T.V. footage of the five Police Stations and after a considerable period of time the petitioner has filed the present writ application on 12/01/2022



and the case was taken up for the first time by this Court on 25-07-2023. The petitioner instead of availing the remedy within a month from the date of incident for retrieval of the C.C.T.V. footage, has demanded it by filing the present application for the first time after about more than one year. Further, C.C.T.V. cameras installed at various Police Stations and nearby areas do not have enough capacity / storage space to store the data beyond limited period.

8. Upon consideration of the aforesaid facts that the petitioner did not take immediate steps for retrieval of the data i.e. C.C.T.V. footage as such at this belated stage this Court cannot direct for production for C.C.T.V. footage for the period from 28/12/2020 to 04-01-2021.

9. In the result, this writ application is dismissed.

(Anil Kumar Sinha, J)

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