

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1462 of 2023

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Mohan Singh, S/o- Late Girija Prasad Singh, R/o- Vill.- Tenduni Tola, P.S.-
Bikramganj, District- Rohtas.

... .. Petitioner/s

Versus

1. The State of Bihar through The Chief Secretary Govt. of Bihar, Patna.
2. The Director General of Police Bihar, Patna.
3. DIG Saran Range Chapra.
4. SP Siwan.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Ebrahim Kabir, Advocate
		Ms. Shruti Sinha, Advocate
For the Respondent/s	:	Mr. Manish Kumar, GP-4

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 21-06-2023 1. Heard learned counsel for the petitioner and
learned counsel for the State.

2. The petitioner is a Constable who stands dismissed
under order dated 29.04.2022 issued by the S.P., Siwan. The
ground for his dismissal is of having been caught in an
inebriated condition. The same has also led to his implication in
criminal proceedings arising out of Mufassil (Siwan) P.S. Case
No. 144 of 2022 for offences under the Bihar Prohibition and
Excise Act.

3. Learned counsel for the petitioner submits that the
petitioner's dismissal is founded only on a breath analyzer test.
The blood sample which was taken has not sustained the



charges of the petitioner being intoxicated. Order of dismissal is thus violative of the letter dated 20.05.2022 issued by the Department to the various officials throughout the State of Bihar. The petitioner's appeal has also been rejected on 23.09.2022. He thus submits that relying upon the letter dated 20.05.2022, which came into existence after the petitioner was dismissed, the petitioner would be approaching the Director General of Police by filing a memorial.

4. With such liberty, writ application is disposed of.

5. Since the order on the appeal has been filed during pendency of the writ application, the fact that petitioner has moved this Court and the matter was pending will be available to the petitioner to meet the issue of delay in filing of memorial.

(Madhuresh Prasad, J)

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