

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16692 of 2024

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Santosh Kumar Das S/o-Sri Kamlesh Das, Resident of Village-Lakhisarai,
P.S.-Ghoshi District-Jehanabad.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretaty Govt. of Bihar, Patna.
2. D.G. of Police Bihar Patna.
3. D.I.G., Bhagalpur
4. S.P. Banka.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Ms. Shruti Singh, Advocate
For the Respondent/s : Ms. Nutan Kumari Sharma, AC to SC 21

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 29-10-2024 Heard Ms. Shruti Singh, learned counsel appearing

on behalf of the petitioner and Ms. Nutn Kumari Sharma,

learned AC to SC 21 for the State.

2. Learned counsel appearing on behalf of the
petitioner informs this Court that the petitioner has already filed
an appeal and the same is pending for consideration.

3. Learned counsel appearing on behalf of the
petitioner submitted that the case of the petitioner is squarely
covered by a decision of this Court passed in **CWJC No.2590
of 2022 (Manju Devi Vs. The State of Bihar & Ors.)**, vide
judgment dated **19.06.2024** in respect of blood and urine test
declaring that the petitioner was found intoxicated, after the



pathological examination of the same. The petitioner seeks to take said plea before the appellate authority for considering his case that if the chemical analysis report is not found positive, the charge against the petitioner will not constitute misconduct.

4. Considering the aforesaid submissions, the authority must pass order in accordance with law and the settled principle of law by the Apex Court, as well as, the Co-ordinate Bench of this Court.

5. With the above observation/direction, the present writ petition stands disposed of.

(Purnendu Singh, J)

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