

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.1148 of 2024

Arising Out of PS. Case No.-180 Year-2024 Thana- BETTIAH CITY District- West
Champaran

=====

Suresh Yadav Son Of Bedar Yadav @ Bedar Yadav R/O- Village- Bajaya
Bairiya, Post- Damrapur, P.S.- Sahodra, Bettiah, Distt.- Wes Champaran
... .. Petitioner/s

Versus

1. The State of Bihar through The Director General of Police, Bihar Patna Bihar
2. The District Magistrate, West Champaran Bettiah
3. The Superintendent of Plice, District West Champaran at Bettiah Bettiah, West Champaran
4. Block Development Officer, Sadar Bettiah Sadar Bettiah
5. Manoj Kumar Singh, Inspector- Cum- Sho, Bettiah Muffasil Police Station Bettiah

... .. Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Dhananjay Kumar, Advocate
For the Respondent/s : Mr. G.A.5

=====

CORAM: HONOURABLE MR. JUSTICE BIBEK CHAUDHURI
ORAL ORDER

6 13-02-2025 The petitioner has invoked constitutional writ jurisdiction under Article 226 of the Constitution of India for the following reliefs:-

i. For issuance of a writ in the nature of mandamus or any other appropriate writ/order/ direction to the respondent authorities for Inquiry in a fair, impartial and time-bound manner by special team officer of higher rank or investigation by any independent agency such as CBI on complaint of wife of petitioner having acknowledgment number 1632/PG dated 03.05.2024 regarding false implication by planting Charas by Bettiah Muffasil Police officials on the



petitioner in connection with Bettiah Town Thana Case No.180 of 2024 dated 19.04.2024.

ii. Direct the respondent to forthwith secure, preserve and place on record the CCTV footage dated 19.04.2024 between the time period of 12:30 PM to 5:30 PM of all the Cameras installed in and around Parking of Zila Parishad, Bettiah near Superintendent of Police Office of CCTV cameras installed at Collectorate, Gate, of CCTV cameras installed by Nagar Parishad between two gates of Bus stand, Bettiah in terms of the Hon'ble Supreme Court's judgment dated 02.12.2020 passed in the case of Paramvir Singh Saini Vs. Baljit Singh & Others. Special Leave Petition (Criminal) No.3543/2020.

iii. For that appropriate writ or writs in the nature of certiorari for deleting the name of the petitioner from array of accused in connection with Bettiah Muffasil Case No.180 of 2024 dated 19.04.2024 registered under Sections 414 IPC, 8, 20(B)(ii)(c)/22(c),23(c) of the N.D.P.S. Act and for quashing all other consequential proceeding thereafter.

2. The petitioner was apprehended in connection with Bettiah Muffasil P.S. Case No.180 of 2024 dated 19.04.2024 registered under Section 414 of the I.P.C. read with Sections 8, 20(B)(ii)(c), 22(c), 23(c) of the N.D.P.S. Act.



3. The prosecution story, in brief, is that on 19.04.2024 two persons were apprehended while riding on a motorcycle and some Narcotic substance were recovered from their possession. Police seized the Narcotic substance, motorcycle and arrested the said two persons. In course of interrogation of the said two persons, they allegedly disclosed that one Suresh Yadav, the petitioner herein, was also in the racket. The said Suresh Yadav was thereafter arrested and commercial quantity of Narcotic substance, viz., 04 kgs. of Charas were recovered from the possession of Suresh Yadav.

4. On 03.05.2024 the wife of the present petitioner submitted an application stating, inter-alia, that the motorcycle in connection with Bettiah Muffasil P.S. Case No.180 of 2024 was seized from a parking lot at Bettiah and the persons who were apprehended were not traveling by the said motorcycle. Moreover, Suresh Yadav was implicated in the above-mentioned case on some false and concocted allegations. Therefore, she prayed for preserving CCTV footage dated 19.04.2024 during the period between 12:30 p.m. and 05:30 p.m. in respect of all Cameras installed in an around the parking lot of Zila Parishad, Bettiah, near the office of Superintendent of Police, Bettiah as well as cameras installed at the Collectorate Gate and Nagar



Parishad between two gates of Bus Stand, Bettiah as per the direction of the Hon'ble Supreme Court in the case of ***Paramvir Singh Saini Vs. Baljit Singh & Others, Special Leave Petition (Criminal) No.3543/2020.***

5. There were other consequential prayers, which are proposed to be discussed subsequently.

6. The learned Advocate on behalf of the petitioner at the outset draws my attention to the order dated 05.06.2024 passed by a Coordinate Bench directing the Superintendent of Police, Bettiah to look into the request of the petitioner and take step to secure and preserve CCTV footage in accordance with law as prayed in Para-1(ii) of the writ application as the same may be required to be considered at appropriate stage.

7. The respondents have filed a counter affidavit stating, inter-alia, that the record of CCTV footage is maintained by an outsourcing agency under the name and style of AIM and Company Pvt. Ltd. and they maintained 20 days record in respect of CCTV footage in the hard-disk and footage beyond 20 days are automatically deleted from the Hard-disk. Therefore, on the date of the order passed by this Court, CCTV footage dated 19.04.2024 was automatically deleted and it is not possible for the Police Authority/Investigating Officer to



retrieve the data.

8. Having heard the learned counsels for the parties, this Court is of the view that when an application was filed on 03.05.2024, i.e. within 20 days from the date of the alleged incident for restoration of data of CCTV footage around the place of occurrence filed by the wife of the present petitioner before the Superintendent of Police, Bettiah, he ought to have passed the order of protection and restoration of such data for proper investigation. The Superintendent of Police, Bettiah must know that the investigation of a criminal case is not for implicating a person in a criminal offence, but to unearth the truth, when the family member of one of the accused demanded that the truth will be unearth, if the CCTV footage was examined failure to take any action on such application by the Superintendent of Police, Bettiah amounts to an act of police inaction, for which the Superintendent of Police, Bettiah is held liable.

9. With regard to third prayer made by the petitioner that he ought to be released from the criminal case or that the criminal case should be quashed against him, this Court is of the view that this is not the appropriate stage and the petitioner has not come forward with any positive case for quashing of the



FIR. Therefore, the third prayer of the petitioner is rejected.

10. For the reasons stated above, this Court finds that the Superintendent of Police, Bettiah is prima-facie found responsible for dereliction of duty when he failed to take any action upon the application dated 03.05.2024 filed by the wife of the petitioner. Such inaction obviously will have adverse impact in the investigation of the case.

11. In view of such circumstances, the Director General of Police, Bihar, Patna, is directed to take departmental action against the Superintendent of Police, Bettiah for the above inaction while supervising the investigation in respect to Bettiah Muffasil P.S. Case No.180 of 2024.

12. With the above direction, the instant writ petition is disposed of.

(Bibek Chaudhuri, J)

mdrashid/-

U		T	
---	--	---	--

