

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.2038 of 2024

Arising Out of PS. Case No.-30 Year-2015 Thana- UDWANTNAGAR District- Bhojpur

Pradeep Kumar Gupta S/o- Ram Nath Prasad Gupta R/o Flat No. 103A, Surya Mahalaxmi Apartment, East Boring Canal Road, P.S. Budha Colony, Dist. Patna

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Govt. of Bihar Patna Bihar
2. The Additional Chief Secretary, Home Police Department, Govt. of Bihar, Patna Bihar
3. The Director General of Police, Bihar, Patna Bihar
4. The Additional Director General of Police, Crime Investigation Dept. Bihar, Patna Bihar
5. The Principal Secretary, General Administration Dept. Bihar, Patna Bihar
6. The Law Secretary, Law Department, Bihar, Patna Bihar
7. The Superintendent of Police, CID, Bihar, Patna Bihar
8. The Superintendent of Police, Bhojpur Bihar

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. P.N. Shahi, Sr. Adv. Mr. Vinay Ranjan Mr. Abhishek Mr. Prashant Shekhar
For the Respondent/s	:	Mr. S.C. 20

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

4 07-07-2025 Heard learned senior counsel for the petitioner and learned counsel for the State.

2. This application has been filed on behalf of the petitioner for quashing the Memo No. 53 dated 20.05.2020 issued by the Secretary to the Government, Law Department, Bihar.



3. The limited argument advanced by learned senior counsel for the petitioner that the order granting sanction dated 20.05.2020 may be quashed as no material has been discussed by the then Law Secretary on which the sanction has been granted.

4. Upon perusal of the order granting sanction, it appears to be a cryptic and non-speaking order and the same cannot be sustained.

5. In view of the above, this application is allowed.

6. Accordingly, the Memo No. 53 dated 20.05.2020 issued by the Secretary to the Government, Law Department, Bihar is hereby quashed.

7. The State is given liberty to pass a fresh sanction order in accordance with law. If it is decided to pass a fresh sanction order then the authorities must consider the fact that the petitioner has been exonerated in the Departmental Proceeding and will also consider the various judgment of the Hon'ble Apex Court on this issue.

(Sandeep Kumar, J)

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