

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16205 of 2025

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Lalit Ram Son of Gyani Ram, Resident of Village- Sarbsima Naruar, P.O.-
Lohna Road, P.S.- Bhairavshthan, District- Madhubani 847407.

... .. Petitioner/s

Versus

1. The State of Bihar through the Secretary, Prohibition Excise and Registration Department, Government of Bihar, Patna.
2. The Secretary, Prohibition Excise and Registration Department, Government of Bihar, Vikash Bhawan, New Secretariat, Nehru Path, Patna.
3. The Deputy Secretary, Prohibition Excise and Registration Department, Government of Bihar, Patna.
4. The Deputy Commissioner, Prohibition Excise and Registration Department, Government of Bihar, Vikash Bhawan, New Secretariat, Nehru Path, Patna.
5. The Joint Commissioner, Prohibition Excise and Registration Department, Government of Bihar, Vikash Bhawan, new Secretariat, Nehru Path, Patna.
6. The Joint Commissioner, Prohibition, Kosi Division, Saharsa.
7. Joint Commissioner, Prohibition, Darbhanga Division, Darbhanga.
8. The Station House Officer, Excise Police Station, District- Saharsa.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Piyush Saurav, Advocate
For the Respondent/s	:	Mr.Ravi Kumar, AC to GP 13
		Mr.Akshay Lal Prasad, AC to GP 13

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CORAM: HONOURABLE MR. JUSTICE BIBEK CHAUDHURI
ORAL ORDER

2 05-01-2026 The petitioner is Assistant Sub-Inspector In-Charge of Excise Department of Saharsa Excise Police Station. While he was on duty on 13th of September, 2024, the petitioner received an information that one Rajesh Kumar was selling narcotic drugs in the form of codeine syrup near Mangala Bazar under Basanhi Police Station. In order to work out the said information, he along with another A.S.I., namely, Anuj Kumar

of Excise Police Department and other personnel went to the spot to work out the said information. At the time of search, the petitioner and other members of the raiding party found some empty bottles of codeine syrup lying at the place of occurrence and no person was found in or around at the place of occurrence. Though he received source information that one Rajesh Kumar was illegally selling codeine syrup, he did not find the said Rajesh Kumar also at the spot. He interrogated local people but they could not throw any light over the said incident. Subsequently on 23rd of September, 2024, an unknown person contacted him over phone and disclosed his identity as a reporter of a Hindi Daily “Danik Bhaskar”. Thereafter, a false and concocted news paper report was published against the petitioner, alleging, inter alia, that the petitioner apprehended the said Rajesh Kumar. However, he was subsequently released without institution of any case as he was a follower of a sitting Minister of the State and the said A.S.I. received bribe of Rs. 50,000/-.

2. After publication of the said news item, the Assistant Commissioner, Excise, Saharsa vide a letter no. 2225 / 2525 dated 24th of September, 2025 asked the S.H.O. Excise Police Station, Saharsa to inquire into the incident and submit a

report. The S.H.O., Respondent No. 8 herein, submitted a report after interrogating the petitioner and other members of the raiding team and found petitioner's version to be correct. However, he raised a doubt over the said issue on the following points:-

(i) As to why the empty bottles of codeine syrup were not seized;

(ii) Why no seizure list was prepared;

(iii) Why statement of local people was not recorded.

3. On the basis of the said report, the petitioner was suspended. A departmental proceeding was instituted and the petitioner was punished with the punishment of withholding of one increment with cumulative effect with censure.

4. The petitioner preferred an appeal against the said order passed by the Disciplinary Authority under Rule 23 of the Bihar Government Servants (Classification, Control & Appeal) Rules, 2005. The appeal was also dismissed. Against the appellate order of dismissal, the petitioner has preferred the instant writ petition praying for appropriate reliefs.

5. It is needless to say that Rule 27 of the Bihar Government Servants (Classification, Control & Appeal) Rules, 2005 contains a provision of revision against the order passed

by the appellate authority. Without exhausting the procedure contained in CCA Rules, 2005, the petitioner has filed the instant writ petition which cannot be entertained at this stage.

6. Therefore, I have no other alternative but to dismiss the instant writ petition.

7. However, the petitioner is given liberty to file revision against the order passed in appeal by the appellate authority before the competent authority. If such revision is filed, the competent authority shall take liberal approach with regard to limitation because of the fact that the petitioner diligently was proceeding with the instant writ petition for appropriate reliefs.

(Bibek Chaudhuri, J)

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