

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.21335 of 2021

1. Surendra Kumar Singh, aged about 62, male, S/o Late Shambhu Narayan Singh, Resident of E-103, Sri Krishna Puri, P.S.- Sri Krishna Puri, District- Patna.
2. Sanjeev Kumar Mishra, aged about 59, male, S/o Sri Manik Prasad Mishra, R/o Jyotipuram Colony, P.S.- Rajeev Nagar, District- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Main Secretariat, Patna.
2. The Chief Secretary, Government of Bihar, Main Secretariat, Patna.
3. The Principal Secretary, Department of Home, Government of Bihar, Main Secretariat, Patna.
4. The Additional Chief Secretary, Home Department, Govt. of Bihar, Old Secretariat, Patna.
5. The Additional Chief Secretary, Home, Government of Bihar, Old Secretariat, Patna.
6. The Director General of Police, Government of Bihar, Old Secretariat, Patna.
7. The Additional Director General of Police (Headquarter), Government of Bihar, Old Secretariat, Patna.
8. The Additional General Director of Police, CID, Bihar.
9. The Inspector General, Central Range, Bihar, Patna.
10. The Deputy Inspector General, Central Range, Bihar, Patna.
11. The Senior Superintendent of Police, Patna, Bihar.
12. The City Superintendent of Police, Patna, Bihar.
13. The Managing Director of Bihar State Road Development Corporation, Airport Road, Patna, Bihar.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Surendra Kumar Singh (In-Person)



For the Respondent/s : Mr. Lalit Kishore (AG)

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR

and

HONOURABLE MR. JUSTICE NAWNEET KUMAR

PANDEY

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR)

Date : 21-11-2022

Heard the parties.

2. Two practicing lawyers of this Court have prayed for certain directions to the Government, in the PIL jurisdiction, for implementation of a piece of legislation to its fullest.

3. We are afraid whether such a prayer is within the four corners of the PIL jurisprudence. To say the least, behind the veil of efforts at enforcing social justice and personal rights guaranteed under the Constitution and making the respondents/government authorities remind themselves of their respective duties, there is a lurking vested interest in maintaining this petition.

4. A law, especially when it deals with



criminal jurisprudence, is to be followed to the letter and spirit. Any aberration in the implementation of the law, entitles an aggrieved party to approach the Courts of law for redressal of the grievances.

5. But in the present case, a prayer has been made that since there is no effective implementation of the prohibition laws in the State of Bihar, a Special Task Force be constituted and the cases registered under the Prohibition Act should be taken to its logical conclusion expeditiously. The further prayer in the writ petition is of taking punitive action against persons and agencies involved in the offences relating to the excise laws of Bihar.

6. There are other cognate prayers listed in the petition, but the first prayer itself makes this petition liable to be dismissed *in limine*.

7. For any person to be caught in the net of the prohibition laws, a mechanism has been provided and procedure has been delineated. There does not



appear to be any free will of such officers. They are amenable to administrative control of the Police Department and of the Directorate of prosecution.

8. The petitioners, who are lawyers, may have been aggrieved by any solitary instance or a couple of instances, but that would not give them the justification to invoke the jurisdiction of this Court for a prayer so frivolous and not worth even noticing at the threshold stage.

9. It need not be repeated that Public Interest Litigation is one of the chief instruments for enforcing social justice, but with a caution that it ought not to be permitted to be degenerated into a weapon of seeking personal vengeance or ventilating one's own views or the most perversive of all, seeking publicity.

10. Assuming for a minute that the law is not being effectively carried out, can the Courts, in the Public Interest Litigation, direct for finding out the culprits especially the police officers who have not done



their duty so far and give direction to the Courts to punish them.

11. The answer lies in the question only.

12. If a particular officer is not following the mandate of law, he can be punished in the administrative side through departmental proceeding. If cases are gross, such a delinquent officer or any stakeholder would be amenable to criminal prosecution.

13. For a law be effectively administered, there are other ways to ensure it, but certainly not through Public Interest Litigation.

14. In order to control the crime emanating out of breach of excise laws, stringent provisions have been made. Any invocation of the writ jurisdiction for such stringent provisions to be complied with, in a general manner, appears to us to be a misadventure on the part of the petitioners. Less said, the better.

15. When the petitioner heard the afore-noted observation of the Bench, he tried to explain his



cause by stating that because of the burgeoning number of cases under the excise law, the local police uses it as a tool for avoiding to do its statutory duty when any other crime is reported. In this context, the petitioner explains, that such a prayer was made for constitution of a dedicated special investigating team only for excise law cases.

16. With this explanation also, we find that the petitioner has not made out any case for our interference.

17. As a justification for filing the petition, the petitioner has drawn the attention of this Court to an order passed by a co-ordinate Bench of this Court, whereby notice was issued to the respondent/State for filing response to the petition. The petitioner has informed this Court that mere issuance of notice has resulted in the registration of the F.I.R. The cheer at this fact makes us doubly convinced that this is a personal/vested interest litigation.



18. Along with the petitioner, we also cheer that the First Information Report has been lodged at the instance of petitioner(s) and the police has swung into action, but the objection of the Bench is to issuance of a general direction for implementation of the law.

19. We do not find any merit in this petition and, accordingly, it is dismissed.

(Ashutosh Kumar, J)

(Nawneet Kumar Pandey, J)

Praveen-
II/Anuradha

AFR/NAFR	AFR
CAV DATE	N/A
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