

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.46303 of 2012**

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1. 1.Md. Shahid Khan son of Loha Singh
  2. 2.Loha Singh @ Jamshed @ Jamal Khan son of Late Abdul Rahman Khan

Both resident of village-Ahiyapur, P.S.-Sheikhpura, District-Sheikhpura at present resident of Nawada Bazar, P.S. & District-Nawada

.... .... Petitioner/s

Versus

The State of Bihar

.... .... Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Sajid Salim Khan, Advocate

For the Opposite Party/s : Mr. Anita Kumari Singh, A.P.P.

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**CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH**  
**ORAL ORDER**

2      16-04-2015                      Heard learned counsel for the petitioners and learned counsel for the State.

In the instant application filed under section 482 of the Code of Criminal Procedure, the petitioners seek quashing of the order dated 11.10.2012 passed by learned Sub Divisional Judicial Magistrate, Sheikhpura in G.R. No.1048 of 2009 arising out of Sheikhpura P.S. Case No.373 of 2009 whereby the application filed by the petitioners under section 239 of the Code for discharge has been rejected.

It has been contended that the petitioners have no concern with the co-accused Mahendra Prasad and Dinesh Singh,

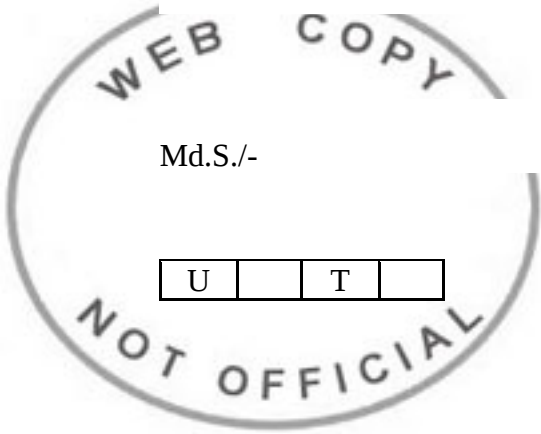


who were apprehended on the spot by the police and confessed that they used to bring cheap cigarettes on which wrapper of expensive cigarettes were pasted and, thereafter, they used to sell it in the market. The further contention is that the alleged recovery of incriminating articles is neither from the house of the petitioners nor from their conscious possession. Even, at the time of alleged search and seizure, the petitioners were neither present there nor were seen near the place of occurrence.

On the other hand, learned counsel for the State has submitted that in course of investigation on the basis of disclosures made by the aforesaid co-accused Mahendra Prasad and Dinesh Singh, the involvement of the petitioners in the alleged offence transpired and were named in the FIR itself. In course of investigation also the witnesses have supported the allegation of involvement of the petitioners in illegal trade of cigarette along with co-accused Mahendra Prasad and Dinesh Singh.

I have heard the respective counsel appearing on behalf of the parties and perused the record. It is well settled that at the stage of framing of charge a mini trial is not to be held. Even on strong suspicion charges can be framed. The facts disclosed in the FIR as well as the materials collected in course of investigation do justify the impugned order passed by the court below.

In that view of the matter, I find no merit in the application. Accordingly, it is dismissed.



Md.S./-

**(Ashwani Kumar Singh, J)**