

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Writ Jurisdiction Case No.784 of 2014

Arising Out of PS.Case No. -73 Year- 2014 Thana -Simari District- BUXAR

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1. Dilip Kumar Yadav S/o Paras Nath Yadav R/O Village-Dullahpur (khurd),P.S.-
Niyajipur, P.S.-Simari, District-Buxar.

.... Petitioner/s

Versus

1. The State of Bihar through Its Secretary, Home Department, State of Bihar, Patna
2. The Director General of Police, Patna.
3. The Inspector General of Police, Patna.
4. The Deputy Inspector General of Police, Patna.
5. The Superintendent of Police, Buxar.
6. The Deputy Superintendent of Police, Buxar.
7. The Investigation Officer, P.S.-Simari, District-Buxar.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Shashi Bhushan Kumar, Adv.

For the Respondent/s : Mr. Rajesh Kumar Sinha, A.C. tyo GP-25

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

ORAL JUDGMENT

Date: 11-03-2015

The petitioner has been made named accused in Simari P.S.Case
No. 73 of 2014 dated 30th April, 2014 registered for the offences punishable
under sections 20(B)(ii)(c), 22, 27(A), 29 of the NDPS Act and 47(a) of the
Excise Act.

By filing this application under Articles 226 and 227 of the
Constitution of India, the petitioner seeks quashing of the First Information
Report of the aforesaid case.

It has been contended that there is no recovery from the
possession of the petitioner. His name has been given by the co-accused in his
confessional statement.

Be that as it may, the F.I.R. discloses ingredients of a cognizable

offence. The defence of the petitioner cannot be looked into by this Court when the matter is under investigation. In course of investigation, it is for the investigating agency to find out the truth behind the allegations made in the First Information Report.

In that view of the matter, I find no merit in this application. It is accordingly dismissed.

(Ashwani Kumar Singh, J)

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