

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.13166 of 2013

Arising Out of PS.Case No. -C 2A 22 Year- 2012 Thana -GOVERNMENT OFFICIAL COMP.
District- -

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Shrawan Rai S/O Sri Raj Nandan Rai R/O Vill. Akwarpur, P.S.
Bhagwanp;Uir, Dist- Vaishali

.... Petitioner/s

Versus

1. The State Of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Nityanand, Adv.

For the Opposite Party/s : APP

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL ORDER

6 23-07-2015

The present petition has been filed for quashing the order dated 01.06.2012 passed by learned Chief Judicial Magistrate, Hajipur in connection with Trial No. 4750 of 2013 arising out of C 2A 22 of 2012 by which the learned Chief Judicial Magistrate has taken cognizance of offences under Section 47 (g) of the Excise Act.

2. According to the prosecution case, on raid being conducted on the base of distillery of the accused persons, various quantities of Mahua were recovered and seized and the equipment of distillation was also found which was destroyed at the place of occurrence itself.

3. It has been submitted that the petitioner has been falsely implicated in the case.

4. At the outset, however, this Court takes note of the fact mentioned in the impugned order dated 01.06.2012 taking cognizance against the petitioner that the petitioner has been absconding. By order dated 02.07.2015, an opportunity was granted to the petitioner to clarify this aspect of the matter but despite time having been sought on 09.07.2015 and 16.07.2015, no affidavit has yet been filed and once again time is sought for the purpose when the matter is called today.

5. This Court is unable to accede to the prayer made for further time. Without entering into the merits of the matter and having regard to the fact that that the petitioner is stated to be absconding, this Court is not inclined to consider grant of relief to the petitioner.

6. The petition stands dismissed.

(Vikash Jain, J)

Md. Ibrarul/-

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