

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.46360 of 2012

Arising Out of PS.Case No. -65 Year- 2010 Thana -null District- KATIHAR

Vishal Kumar Singh, son of Ram Naresh Singh, r/o. Moh. Gami Tola, P.S.Katihar
Town, Dist. Katihar

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Raghvendra Kumar Singh, Advocate

For the Opposite Party/s : APP

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 16-04-2015

Heard learned counsel for the petitioner and learned
APP for the State.

2. The present application has been filed for quashing
the order dated 23.04.2011 passed by the learned Chief Judicial
Magistrate, Katihar in connection with Balrampur P.S. Case No.
65 of 2010 for the offence alleged under Section 420, 471/34
IPC and 47(A) of the Excise Act.

3. It is submitted that the petitioner has been falsely
implicated as evident from the letter of the Superintendent,
Excise, addressed to the Officer-in-charge, Balrampur, Katihar to
the effect that the liquor shop in question was duly authorized
and licenced. Learned counsel for the petitioner placed reliance
on various documents such as the licence of the liquor shop and
the receipt of tax paid in relation thereto.

4. Be that as it may, the learned court has duly taken into consideration of the various materials on record including the case diary before inferring a prima facie case against the petitioner is made out.

5. In that view of the matter, this Court finds no infirmity in the impugned order.

6. The petition stands disposed of with liberty to the petitioner to raise all points as may be available to him at the appropriate stage.

(Vikash Jain, J)

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