

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Writ Jurisdiction Case No.609 of 2016

Arising Out of PS.Case No. -null Year- null Thana -null District- BUXAR

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Sanjay Kumar Paswan Son of Sri Harendra Paswan resident of Village-
Vijaypura,Post-Gobindpur Bela,Police Station-Baligaon,District-Vaishali

.... Petitioner

Versus

1. The State of Bihar through the Director General of Police, Bihar, Patna
2. The Superintendent of Police, Buxar
3. The Deputy Superintendent of Police, Buxar
4. The Station House Officer, Town P.S. Buxar
5. The Excise Inspector, Buxar

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Sanjay Kumar Singh, Adv.

For the Respondent/s : Mr. Ashok Kumar Gupta, A.C. to G.P.10.

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR

ORAL JUDGMENT

Date: 07-12-2017

Heard learned counsel for the parties.

2. This writ application has been filed for quashing the FIR of Buxar Town P.S. Case No. 193 of 2016 registered under Sections 222 and 223 of the Indian Penal Code as well as under Section 66 of Bihar Excise Amendment Act, 2016.

3. According to first information report lodged by the Excise Inspector, Buxar, the petitioner was posted as Sub Inspector, Excise Mobile Party. On 13.05.2016 in between 8.00 P.M. to 11.00 P.M., eight persons were arrested at the referred check-post as they were found violating the Excise



Laws. In the morning of 14.05.2016, the informant issued instruction to the petitioner to send the arrested persons to jail.

4. Allegation is that the petitioner allowed two persons out of eight arrested persons to go free, as a result whereof, a mob created panic and commotion against the act of the petitioner.

5. Submission of the learned counsel for the petitioner is that the investigation is complete now and chargesheet had already been submitted against the petitioner. However, there is no material collected during investigation to substantiate as to who were those persons who were set free by the petitioner rather investigation against those free persons is still pending, which would be evident from the chargesheet submitted against the petitioner and counter affidavit filed by the State-respondent, nor there is any material in the case diary to substantiate that in fact eight persons were arrested in the case and two of them were not there to be forwarded to the court, as alleged.

6. I have gone through the provisions whereunder, the FIR has been lodged. Without disclosing any mind on the merit of the case, the petitioner is allowed liberty to raise the aforesaid point at the stage of hearing on



charge and the learned court below shall pass a reasoned order based on material collected during investigation.

7. With the aforesaid observation, this writ application stands disposed of.

(Birendra Kumar, J)

Nitesh/-

AFR/NAFR	NAFR
CAV DATE	NA
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