

**IN THE HIGH COURT OF JUDICATURE AT PATNA**

**Criminal Miscellaneous No.50998 of 2013**

Arising Out of PS.Case No. -14 Year- 2011 Thana -DEODHA District- MADHUBANI

- =====
1. Md. Mustafa @ Mustafa Rain son of Md. Karamat Rain
  2. Md. Kasim S/O Md. Ismail Rain
  3. Md. Kalim @ Md. Kalim Safi S/O Biltu Safi

All resident Of Village- Usrahi, P.S- Dewadha, District- Madhubani.

.... .... Petitioners

Versus

The State of Bihar

.... .... Opposite Party

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**Appearance :**

For the Petitioner/s : Mr. Ratanakar Jhar, Advocate

For the Opposite Party/s : Mr. Sharda Kumari, APP

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

ORAL JUDGMENT

**Date: 18-08-2017**

This application under Section 482 of the Code of Criminal Procedure (for short Cr.P.C.) has been filed for quashing the order dated 07.08.2013 passed by the learned Chief Judicial Magistrate, Madhubani in connection with Dewadha Police Station Case No. 14 of 2011 corresponding to G. R. No. 988 of 2011, Tr. No. 3728 of 2013 whereby the cognizance has been taken against the petitioners under Section 47(a) of the Excise Act and Section 290 of the Indian Penal Code.

2. It would be manifest from perusal of the first



information report that huge quantity of illicit liquor was found from the possession of the petitioners during panchayat election.

3. The allegations made in the first information report were found to be true in course of investigation and on perusal of the police report submitted under Section 173(2) of the Cr.P.C. and the statements of witnesses recorded under Section 161(3) of the Cr.P.C. and other materials, the learned Magistrate took cognizance of the offences and summoned the petitioners to face trial.

4. Considering the materials available on record, I see no illegality in the impugned order. Accordingly, the application, being devoid of any merit, is dismissed.

**(Ashwani Kumar Singh, J.)**

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| AFR/NAFR          | NAFR       |
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