

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.36360 of 2014

Arising Out of PS.Case No. -83 Year- 2013 Thana -KORANSARAI District- BUXAR

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Harendra Singh @ Harendra Kumar Singh @ Munna Singh, S/o Gopalji Singh
Resident of Village Amsari, P.S. Murar, District Buxar.

.... Petitioner/s

Versus

1. The State of Bihar.
2. S.H.O., Koran Sarai Police Station

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Radha Mohan Singh, Adv.

For the Opposite Party/s : Mr. Nityanand Tiwary, APP

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD

ORAL JUDGMENT

Date: 28-08-2017

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

Petitioner is seeking quashing of the order dated
01.04.2014 passed by the learned Chief Judicial Magistrate, Buxar in
Koransarai P.S. Case No.83 of 2013 whereby and whereunder the
learned Magistrate was pleased to take cognizance for the offences
punishable under Sections 272, 273, 420, 467, 120B/34 of the Indian
Penal Code and Sections 47(A)(E)(F) of the Bihar Excise Act, 1915
against the petitioner and others.

Learned counsel representing the petitioner submits
that a bare perusal of the FIR would show that so far as the present
petitioner is concerned, the allegation against him at best is of



transportation of liquor, therefore no offence as alleged is made out against the present petitioner. Learned counsel submits that mere storage of spirit and transportation thereof from one place to another for purpose of preparation of country made wine would not be an offence because the petitioner has got a valid settlement of liquor shops.

On the other hand, learned counsel representing the State opposed the prayer for quashing of the present FIR.

This Court has perused the records. Although, the submission of the learned counsel for the petitioner is that the petitioner has got licenses for liquor shops and, therefore, even if the allegations as contained in the FIR are taken to be true mere transportation of spirit would not be an offence for which the petitioner should be prosecuted, this Court, however, would not agree with the submission of the learned counsel inasmuch as the allegations as appearing from the FIR are that of illegal possession of spirit and sale thereof for purpose of preparation of country made wine and in case these allegations are proved then certainly an offence is made out. This Court would not go into the merits of allegations at this stage as it is not expected that while exercising its jurisdiction under Section 482 Cr.P.C. this Court would appreciate the evidences. The submission of the learned counsel for the petitioner



is, therefore, not acceptable. The petitioner may, if so advised, raise all these pleas at appropriate stage in the court below.

The application for quashing of the order taking cognizance is hereby rejected.

(Rajeev Ranjan Prasad, J)

Arvind/-

AFR/NAFR	
CAV DATE	
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