

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.1011 of 2013

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Jagat Lal, son of late Deoki Lal, resident of mohalla-Golapar, Danapur,
P.S.-Danapur, District-Patna, at present posted as Excise Sub-Inspector,
Nalanda.

.... Petitioner/s

Versus

1. The State of Bihar
2. Laxman Ram, son of not known, Executive Magistrate, Biharsharif,
District-Nalanda.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Shree Kant Pandey

For the Respondent/s : Mr. Shailendra Kumar 1 (APP)

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

14 01-05-2017

The present writ application has been filed for quashing the FIR of Laheri P.S. Case No.121 of 2006 instituted on 30.08.2016 for the offences under Sections 272, 273, 406, 409, 420 and 120B of the Indian Penal Code as well as Section 47A of the Bihar Excise Act, 1915 against the named accused persons including the petitioner.

2. Briefly stated the prosecution case is that under the order of the District Magistrate, Nalanda at Biharsharif the raiding party was constituted for verification in connection with illegal sale of illicit liquor and on receipt of confidential information a sudden raid at about 12.10 A.M. in the night of 29/30.08.2006 was made in the godown of Ally Food Warehouse, Kantapar, Biharsharif where a tanker, bearing Registration



No.MP-09KB-6566 was found parked, from which labourers were draining out spirit. On verification, it was found that there was no valid papers for the spirit, following which the Excise Superintendent was called on at the spot and query was made in this regard and it was found that there did not exist any valid papers rather the driver of the tanker failed to produce any valid papers. After being satisfied that the spirit had been brought there with illegal motive with a view to cause loss to the State Exchequer, the Depot Manager and the driver of the tanker were taken into custody and some papers were also seized. No paper could be produced by the Depot Manager and, accordingly, the Depot was sealed in presence of the Excise Superintendent and the FIR was drawn up against the proprietor, Depot Manager, employees of the said Warehouse besides the Excise Superintendent.

3. At the outset, submission of the petitioner is that some other FIR named accused persons including Dr. Madan Prasad @ Madan Mohan Prasad had moved this Court for quashing of the FIR in Cr.Misc.No.56103 of 2006 and the FIR was quashed by this Court vide order dated 26.03.2009. Co-accused Rakesh Kumar had moved this Court for quashing of the same FIR in Cr.Misc.No.36086 of 2007 and the FIR was quashed



on 23rd January, 2009. The aforesaid orders got finality as the same were never challenged before any superior court. The case of the petitioner is on similar footing.

4. Learned counsel for the State does not dispute the factual position aforesaid.

5. Considering the aforesaid orders of the coordinate Benches of this Court, in my view, this is a fit case wherein FIR of Laheri P.S. Case No.121 of 2006 is fit to be quashed. Accordingly, the same is quashed.

6. This writ application stands allowed.

Arvind/-

(Birendra Kumar, J)

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