

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.18941 of 2014

Arising Out of PS.Case No. -111 Year- 2013 Thana -GOVERNMENT OFFICIAL COMP. District-SIWAN

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Raju Chaudhary, Son of Pyar Chand Choudhary, Resident of Village Khor
Pakar, P.S. Basantpur, District Siwan

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Ramchandra Sahni

For the Opposite Party/s : Mr. Abhay Kr. Roy (App)

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR

ORAL ORDER

3 20-06-2017

Heard.

This petition for quashing has been filed for setting aside the cognizance order dated 12.04.2013 under Section 47(A) of the Excise Act in Case No.C-II-111/13, passed by learned Chief Judicial Magistrate, Siwan.

Learned counsel appearing on behalf of the petitioner challenges the quashing order on two counts firstly, that the petitioner-accused is a police Constable and on the relevant day, he was posted in Gopalganj and secondly, that he was falsely implicated in this case on the information of one Nathuni Sah and the address given by Nathuni Sah is incorrect, he is not the resident of village Khor Pakar.

The learned Additional Public Prosecutor appearing on behalf of the State submits that 30 litres of country made liquor



and 100 Kgs. of Mahua Jawa was recovered from the house of this petitioner. The secret information was received by the Excise Officials. Nathuni Sah is the witness of the seizure list. The plea of alibi is a defence, which cannot be considered at this stage.

Having considered the rival submissions and on perusal of the materials on record, I do not find any ground to interfere with the order of cognizance dated 12.04.2013, passed in Case No. C-II-111/13 by the learned Chief Judicial Magistrate, Siwan so this quashing petition being devoid of merit is dismissed.

(Arun Kumar, J.)

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