

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.38674 of 2018

Arising Out of PS.Case No. -150 Year- 2016 Thana -SONO District- JAMUI

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Raj Kumar Raja S/o Nunu Mahto, R/o Vill.- Singhia Ghat, P.S.- Bibhutipur,
District- Samastipur.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Mritunjay Kumar

For the Opposite Party/s : Mr. Sri Ramchandra Singh

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN
PRASAD
ORAL ORDER

2 01-10-2018 This application has been preferred seeking quashing of the order dated 18.07.2017 passed by the learned A.C.J.M.-1st, Jamui in Sono P.S. Case No.150 of 2016 registered under Sections 272 and 273 of the Indian Penal Code as also under Sections 47(A), (S) and 53 of the Bihar Prohibition and Excise Act, 2016.

Learned counsel for the petitioner submits that under the provisions of the Statute, it is a Special Court who can take cognizance under the Act. In this case, learned A.C.J.M. has taken cognizance and, therefore, it is liable to be held bad in law. The second ground is that the petitioner happens to be the owner of the vehicle in question who has been involved in the present case.

Contesting the submissions of the learned counsel for the petitioner, learned counsel representing the State submits that



the petitioner has nowhere stated in his application that the learned ACJM has not been notified as Special Court in the present case. It is further submitted that under the provisions of the Act, the owner of the vehicle is liable to be prosecuted.

Having heard learned counsel for the parties, this Court is of the opinion that that it would not be just and proper to interfere with the order taking cognizance at this stage. The petitioner, however, will be at liberty to raise all such issues which are available to him at the stage of framing of charge which will be considered by the court below.

The application stands disposed off accordingly.

(Rajeev Ranjan Prasad, J)

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