

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.706 of 2019

Arising Out of PS. Case No.-574 Year-2018 Thana- BARAUNI District- Begusarai

Bhola Mahto @ Bhola Yadav, Son of Rampadarath Matho, Resident of Village- Panhas, P.S.- Town O.P.- Lohia Nagar, District- Begusarai.

... .. Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Home Department, Government of Bihar, Patna.
2. The District Officer, Begusarai.
3. The Deputy Inspector General of Police, Munger Division, Munger.
4. The Superintendent of Police, Begusarai.

... .. Respondents

Appearance :

For the Petitioner/s : Mr. Manoj Kumar, Advocate

For the Respondent/s : Mr. M. Nasrul Huda Khan, SC-1

CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL JUDGMENT

Date : 24-04-2019

The defects, as pointed out by the registry, are ignored.

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

3. This application under Articles 226 and 227 of the Constitution of India has been filed by the petitioner for the following reliefs:-

- (i) For commanding the respondent no.3 and 4 to investigate properly into all the cases i.e. altogether in number in which the petitioner has falsely been implicated only on the basis of confessional statement of co-accused without any substantive evidence except N.D.P.S. Case no.31 of 2018 which is also a false implication.



(ii) Also for directing the learned lower court to take action upon the complaint filed by the mother of the petitioner namely Mahsake Devi which has been registered under the reference of miscellaneous case no.20 of 2018 u/s 151(2) of the code of criminal procedure against.

(iii) Also for commanding the respondents not to implicate the petitioner in false and frivolous case without proper investigation or any evidence in support thereof.

(iv) Also for commanding the respondents to secure/protect life of the petitioner which has been granted under Article-21 of the constitution of India and restrain the respondent from doing malpractices in implicating the petitioner in series of false cases.

(v) Also for any other reliefs for which petitioner is found to be entitled in view of the facts and circumstances of the case.

4. The petitioner has been made accused in altogether eight cases vide (i) O.P. Lehariya Nagar P.S. Case No.664 of 2017 dated 29.11.2017 u/s 30(a) Bihar Excise and Prohibition Act, 2016, (ii) Nagar P.S. Case No.393 of 2016, dated 28.08.2016 u/s 144, 47(a)/49 and 57 of Bihar Excise and Prohibition Act, 2016, (iii) O.P. Lehariya Nagar P.S. Case No.309 of 2017 dated 05.07.18 u/s 30(a)/32 and 41(1) of Bihar Excise and Prohibition, 2016, (iv) Baliya P.S. Case No.188/2019 dated 29.11.2017 u/s 30(a) Bihar Excise and Prohibition 2016, (v) O.P. Lakho Muffasil P.S. Case



No.378/018 dated 05.07.018 u/s 30 (a) Bihar Excise and Prohibition 2016, (vi) Sahebpur Kamal P.S. Case No.18 /2018 dated 25.01.018 u/s 420/467/468/414/379/304/120 I.P.C. and 30(a)/27 and 41(i) of the Bihar Excise and Prohibition 2016, (vii)O.P. Chakiya (Barauni) P.S. Case No.574/018 dated 02.12.2018 u/s 8/20(b) (11)(b)/ 22 NDPS Act, (viii) Begusarai Muffasil P.S. Case No.147/2018 u/s 30(a) Excise & Prohibition.

5. It is contended by the learned counsel for the petitioner that in all the above cases, the petitioner has been falsely implicated without any evidence due to personal grudge of the police officials. He contended that the father-in-law of the petitioner is instrumental in implicating him in several cases one after another. Recently, he has also been made accused in a case under Narcotic Drugs and Psychotropic Substances Act. Recoveries made from the petitioner have not been shown in the seizure list.

6. On the basis of the aforesaid submissions, learend counsel for the petitioner submitted that the respondents be restrained from implicating the petitioner in false cases and remanding him to custody in one or the other cases.

7. *Per contra*, learned counsel appearing for the State submitted that the petitioner is a habitual offender. In view of the



materials collected in course of investigation in the aforesaid cases, the petitioner has been made accused. Mere plea of innocence of the petitioner can not be a ground for doubting the veracity of investigation of any of the cases in which the petitioner's name transpired in course of investigation.

8. I have heard learned counsel for the parties.

9. I find substance in the submissions of the learned counsel for the State. Save and except the plea of innocence taken by the petitioner, there is no material on the basis of which this Court can come to the conclusion that implication of the petitioner in series of cases is false. In absence of any material before this Court, no relief as prayed for in the writ petition can be granted.

10. The application is dismissed.

(Ashwani Kumar Singh, J.)

Sanjeet/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	25.04.2019
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