

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.633 of 2019

Arising Out of PS. Case No.-608 Year-2016 Thana- BHAGALPUR KOTWALI District-
Bhagalpur

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Santosh Kumar, Son of Bhuwaneshwar Prasad Yadav @ Bhuwaneshwari Pd.
Yadav, Resident of Village - Baijnathpur, P.S.- Sour Bazaar, District - Saharsa
... .. Petitioner

Versus

1. The State of Bihar through the Home Secretary, Government of Bihar, Patna
2. The Director General of Police, Government of Bihar, Patna
3. The District Magistrate, Bhagalpur
4. The Superintendent of Police, Bhagalpur
5. The Superintendent of Excise, Bhagalpur
6. The SHO, Sadar (Kotwali) Police Station, Bhagalpur
7. ASI, Town Out Post In-Charge, Vikramshila Pul, Bhagalpur
8. The investigating Officer, Barari Police Station, Bhagalpur

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Suman Kumar Jha, Advocate
For the Respondent/s : Mr. Vikash Kumar, SC-11

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL JUDGMENT

Date : 16-04-2019

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

2. This application under Articles 226 and 227 of the
Constitution of India has been filed by the petitioner for quashing
the First Information Report (for short 'FIR') of Kotwali (Barari)
P.S. Case No.608 of 2016 dated 06.11.2016 registered under
Section 30(a) of the Bihar Prohibition and Excise Act, 2016.



3. Learned counsel for the petitioner submitted that the petitioner is innocent and was not apprehended by the police at the time of occurrence. He contended that the petitioner is not involved in any manner with the alleged recovery of huge quantity of liquor from the *dicky* of the santro car.

4. On other hand, learned counsel for the State submitted that the petitioner is one of the named accused in the FIR. There is specific allegation against him that he was also occupying the car in question when it was intercepted, but taking advantage of the darkness of night, he managed to escape whereas the driver of the vehicle, namely, Laltu Yadav was apprehended, who disclosed the identity of petitioner.

5. Having heard learned counsel for the parties and perused the FIR, as contained in Annexure-1 to this application, I find that there is allegation that from the *dicky* of the Santro car bearing Registration No. BR 1N 4652, 15 cartons of Indian made foreign liquor were recovered. At the time of occurrence, the driver of the vehicle was apprehended, who disclosed the name of the petitioner as the co-occupant of the car, who managed to escape.



6. The allegations made in the FIR *prima facie* do attract ingredients of Section 30 (a) of the Bihar Prohibition and Excise Act, 2016.

7. In that view of the matter, neither the institution of the FIR nor its investigation can be held to be bad in law.

8. The application lacks merit. It is dismissed, accordingly.

(Ashwani Kumar Singh, J.)

Sanjeet/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	20.04.2019
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