

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.1033 of 2019

Arising Out of PS. Case No.-332 Year-2017 Thana- CHHATAPUR District- Supaul

Sanjeev Paswan @ Sanjeet Paswan, Son of Upendra Paswan, Resident of
Village - Ajan, Ward No.- 02, P.S. + District - Supaul.

... .. Petitioner

Versus

1. The State of Bihar, through the Director General of Police, Government of Bihar, Patna.
2. The Deputy Inspector General of Police, Koshi Division, Saharsa.
3. The Superintendent of Police, Supaul.
4. The Deputy Superintendent of Police, Triveniganj.
5. The S.H.O. of Chhatapur Police Station, District – Supaul.
6. The Investigating Officer of Chhatapur Police Station Case No.- 332/2017.

... .. Respondents

Appearance :

For the Petitioner : None

For the Respondents-State: Mr. Manish Kumar, GP-4

CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL JUDGMENT

Date : 08-07-2019

Despite repeated calls, no one appears for the petitioner.

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 Chhatapur Police Station Case No.332 of 2017 registered on 23.09.2017 under Section 30(a) of the Bihar Prohibition and Excise Act, 2016 (for short 'Excise Act') against the petitioner and driver of vehicle bearing Registration No. BR-11PA04189 on the basis of written



report of the informant Sanjeev Kumar Jha, SHO of Chhatapur Police Station.

3. On perusal of the FIR, as contained in Annexure-1 to this application, I find that there is specific allegation that huge quantity of country-made liquor was recovered from the vehicle bearing Registration No. BR-11PA-4189. The certificate of registration of the said vehicle is in the name of the petitioner. The informant has alleged that the petitioner was indulged in trafficking of liquor. There is complete prohibition of liquor and intoxicant in the territory of the State of Bihar.

4. Section 30(a) under which the FIR has been registered provides that whoever, in contravention of the provision of the Act or of any rule or order made or notification issued under this Act or in contravention of any condition of any license or permit or pass, renewed under this Act or without a valid license, permit or pass issued under this Act manufactures, possesses, buys, sells, distributes, collects, bottles, imports, exports, transports or removes any intoxicant or liquor shall be punishable with imprisonment for a term not less than ten years but which may extend to imprisonment for life and with fine which shall not be less than one lakh rupees but which may extend to ten lakh rupees.



5. The offence alleged under Section 30(a) of the Excise Act is a cognizable offence.

6. In that view of the matter, neither the institution of the FIR by the police nor its investigation can be held to be bad. Since there is specific allegation made in the FIR against the petitioner for transporting prohibited liquor in the State of Bihar, the prayer made by the petitioner can not be allowed.

7. The application is dismissed.

(Ashwani Kumar Singh, J.)

Sanjeet/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	10.07.2019
Transmission Date	10.07.2019

