

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.1102 of 2019

Arising Out of PS. Case No.-18 Year-2019 Thana- DANAPUR District- Patna

Bindeshwar Prasad @ Bindeshwar Rai, Son of Late Nawab Rai, Resident of
Mohalla - Saguna (Nadi Par), P.S.- Danapur, Distt – Patna (Bihar).

... .. Petitioner

Versus

1. The State of Bihar through the Additional Chief Secretary, Home Department, Bihar, Patna.
2. The Director General of Police, Bihar, Patna.
3. The District Magistrate, Patna.
4. The Senior Superintendent of Police, District - Patna (Bihar).
5. The Additional Superintendent of Police, Danapur, Patna.
6. The Sub Divisional Police Officer, Danapur.
7. The Station House Officer, Danapur Police Station, District - Patna.
8. Vijay Kumar Singh, Assistant sub Inspector of Police, Danapur, Patna.

... .. Respondents

Appearance :

For the Petitioner : Mr. Sanjay Kumar, Advocate
For the Respondents-State: Md. Iqbal Asif Niazi, AC to GP-5

CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL JUDGMENT

Date : 23-07-2019

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 Danapur P.S. Case
No.18 of 2019 dated 05.01.2019 registered under Section 30(a) of
the Bihar Prohibition and Excise (Amendment) Act and 25(1-B)a,
36 and 35 of the Arms Act.



3. Learned counsel for the petitioner submitted that the alleged recovery of illicit liquor was made from the house of one Dara Rai and not from the house of the petitioner. The petitioner has been falsely framed in the instant case by the police. The action of the police is a glaring example of executive arbitrariness and police high-handedness. He submitted that allowing the investigation to be continued would be an abuse of the process of the court.

4. On the other hand, learned counsel appearing for the State submitted that from perusal of the FIR, it would appear that there is specific allegation that on confidential information that the petitioner is the full brother of one Dara Rai and was occupying the premises in question and was trading in illicit liquor, the police raided the premises and recovered 26 bottles of foreign liquor each of 180 ml and one loaded country-made pistol. On inquiry from the local people also, the police came to know that it is the petitioner, who is in possession of the premises. He contended that the allegations are quite serious and they do attract the ingredients of the offences alleged.

5. I have heard learned counsel for the parties and perused the FIR as contained in Annexure-1 to the present application. The allegations made therein clearly reflect that the



allegation against the petitioner is of being indulged in trading of illicit liquor and, upon raid, from the premises in possession of the petitioner, 26 bottles of foreign liquor and one country-made pistol were recovered. The said allegations would certainly attract the ingredients of the offences alleged.

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

7. The application, being devoid of any merit, is dismissed.

(Ashwani Kumar Singh, J.)

Sanjeet/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	24.07.2019
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