

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.1249 of 2019

Arising Out of PS. Case No.-156 Year-2017 Thana- MADHUBANI TOWN District-
Madhubani

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MANISH KUMAR @ DHARMENDRA KUMAR @ MANISH
CHOUDHARY Son of Baldev Choudhary Resident of Village - Bara Bazar
(ward no. 10), P.S.- Town Madhubani, Distt - Madhubani.

... .. Petitioner

Versus

1. The State Of Bihar through the Home Secretary Govt. Of Bihar, Patna.
2. The Director General of Police Bihar Patna.
3. The Inspector General of Police Darbhanga Division, Patna.
4. The Deputy Inspector General of Police Darbhanga Division Darbhanga.
5. The Superintendent of Police, Madhubani.
6. The Deputy Superintendent of Police Madhubani.
7. The Station House Officer Town Police Station Madhubani.
8. The Investigating Officer of Town Police Station Case No. 156/2017
Madhubani.

... .. Respondents

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Appearance :

For the Petitioner	:	Mr.Gagan Deo Yadav, Advocate
For the Respondent-State:		Mr.Prabhat Kumar Verma, AAG-3
		Dr. Anand Kumar, AC to AAG-3

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL JUDGMENT
Date : 02-09-2019

The defects pointed out by the stamp report are ignored.

2. Heard Mr. Gagan Deo Yadav, learned counsel
for the petitioner and Mr. Anand Kumar, learned assistant counsel
to AAG-3 for the State.

3. 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



Madhubani (Town) P. S. Case No. 156 of 2017 dated 13.06.2017 registered under Sections 272 and 273 of the Indian Penal Code and 30(a), 36 and 41 of the Bihar Prohibition and Excise Act, 2016.

4. Learned counsel for the petitioner submitted that the petitioner is not involved in any manner in the alleged offence. The recovery of incriminating articles were made by the police from the house of one Dukh Haran Panjiyar. The petitioner has got no concern with the said house. However, with ulterior motive, the police have named the petitioner in the FIR as the persons occupying the house of Dukh Haran Panjiyar.

5. Per contra, learned counsel appearing for the State submitted that there is specific allegation in the FIR that the petitioner is a tenant in the house of Dukh Haran Panjiyar. It was he who was dealing in illicit liquor in spite of there being complete prohibition in the State. He contended that the allegations made in the FIR were investigated by the police and the witnesses examined in course of investigation have also supported that it was the petitioner who was occupying the house of Dukh Haran Panjiyar as tenant. The police have completed the investigation and submitted charge-sheet before the court.



6. Having heard learned counsel for the parties and perused the FIR in question, as contained in Annexure-1 to the present application, I find substance in the submission of learned counsel for the State. There is specific allegation against the petitioner that he was a tenant in the house of Dukh Haran Panjiyar and was carrying an illegal trade of liquor. When the police party raided the premises occupied by the petitioner, huge quantity of illicit liquor of different brands were recovered and seized. The witnesses examined in course of investigation whose statements were recorded under Section 161(3) of the Code of Criminal Procedure have also supported the allegations made in the FIR. The police found the allegations made in the FIR to be true and they filed charge-sheet before the court.

7. In my considered opinion, no case for quashing the FIR in question is made out.

8. The application is dismissed.

(Ashwani Kumar Singh, J.)

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AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	05.09.2019
Transmission Date	05.09.2019

