

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.1366 of 2019

Arising Out of PS. Case No.-132 Year-2019 Thana- KARJA District- Muzaffarpur

Munna Kumar Yadav @ Shakti Suman @ Munna Yadav @ Munna Rai Son of
Balram Rai Resident of Village - Raksa, P.S.- Karja, Dist.- Muzaffarpur.

... .. Petitioner

Versus

1. The State of Bihar through Director General of Police, Bihar, Patna
2. The Inspector General of Police, Tirhut Range, Muzaffarpur.
3. The Senior Superintendent of Police, Muzaffarpur, Dist.- Muzaffarpur.
4. The S.H.O. Of Karja Police Station, Muzaffarpur.
5. The Investigating officer of Karza P.S.- Case No.132/19, Muzaffarpur.
6. Dr. Sharwan Kumar Son of late Abhimanu Singh Resident of Village - and
Post - Kajra, P.S.- Suryagarha, Dist.- Lakhisarai.

... .. Respondents

Appearance :

For the Petitioner/s : Mrs. Bela Singh, Adv.

For the Respondent/s : Mr. Md. Nasrul Huda Khan, Adv.

CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL JUDGMENT

Date : 24-09-2019

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 Karza P.S. Case No.
132 of 2019 registered under Sections 30(a) and 38 of the Bihar
Prohibition and Excise Act, 2016.

3. Learned counsel for the petitioner submitted that the
petitioner has been falsely implicated in the instant case at the
instance of the accused of Vigilance Case No. 109 of 2016. She
has submitted that in the aforesaid vigilance case the petitioner is



the informant and on his complaint, Dr.Shravan Kumar, Joint Registrar, Cooperative Society, Muzaffarpur was caught red handed while accepting an illegal gratification amounting to Rs.50,000/-. She has further contended that the wife of the accused of the vigilance case is a jailer posted at Sitamarhi. Under her influence, the police implicated the petitioner falsely in the instant case and some other cases.

4. Per contra, learned counsel appearing for the State submitted that the plea of false implication taken by the petitioner is far-fetched. The case instituted at the behest of the petitioner against the Joint Registrar, Co-operative Society has nothing to do with the instant case. The vigilance case in which the petitioner is the informant was instituted in October, 2016 whereas the case in which the petitioner has been made accused has been registered in the month of May, 2019. He has further contended that there is allegation that the petitioner was engaged in supply of prohibited liquor. On confidential information when the police raided the place under the possession of the petitioner, huge quantity of prohibited liquor was recovered.

5. Having heard learned counsel for the parties and perused the FIR, as contained in Annexure-1 to the present application, I find that the allegations made in the FIR do attract



the ingredients of the offences punishable under the Bihar Prohibition and Excise Act, 2016. Under the said Act, in the State of Bihar, there is complete prohibition of liquor and intoxicants. The petitioner has been made accused on the allegation that he was indulged in selling of foreign liquor together with one Kundan Kumar. On confidential information when the police conducted raid, huge quantity of foreign liquor was recovered from the field where mustard seed plant was being cultivated alleged to be jointly possessed by the petitioner and Kundan Kumar.

6. In that view of the matter, merely because the petitioner was the informant of Vigilance Case No. 109 of 2016, the criminal case instituted against him cannot be quashed. The FIR discloses commission of a cognizable offence. The investigating agency is still investigating the case. At this stage, this Court cannot appreciate the defence of the petitioner for the purposes of interdicting the FIR.

7. The application is dismissed.

(Ashwani Kumar Singh, J)

Pradeep/-

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	26.09.2019
Transmission Date	26.09.2019

