

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.1781 of 2017

Arising Out of PS. Case No.-395 Year-2017 Thana- KANKARBAGH District- Patna

Rahul Kumar, son of Srinath Kumar, Resident of Village-Turkaul, P.O.-Sarsa,
P.S.-Parasbigha, District-Jehanabad.

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Department of Home Bihar, Patna.
2. The Superintendent of Police, Patna
3. The Deputy Superintendent of Police, Patna.
4. The Inspector, Kankarbagh Police Station, Patna

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Ranjay Kumar Singh, Advocate
For the Respondent/s : Mr. Vivek Prasad, GP- 7

CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL JUDGMENT

Date : 02-01-2019

Heard learned counsel for the petitioner, learned counsel
for the State and perused the case diary available on record.

2. This writ petition has been filed for quashing of the
first information report of Kankarbagh P.S. Case No.395 of 2017
registered inter alia for the offence punishable under Section 30(a)
of the Bihar Prohibition and Excise Act, 2016.

3. There is allegation of recovery of illicit liquor from
the room of one Dhananjay Kumar where the petitioner was also
found present.

4. The petitioner has taken a plea that he is innocent and
out of friendship with Dhananjay Kumar, he was staying in his
room.



5. Learned counsel for the petitioner submitted that the petitioner is absolutely innocent and there is no material against him on the basis of which he can be prosecuted.

6. On the other hand, learned counsel for the State submitted that since there is total prohibition in the State and there is allegation of recovery of illicit wine from the room of co-accused Dhananjay Kumar where the petitioner was also found present, the first information report cannot be quashed merely on the basis of exculpatory statement of the petitioner.

7. Having heard the parties and seen the materials, I am of the view that it would not be proper for this Court to come to any conclusion regarding the innocence or guilt of the petitioner at this stage when the case is still under investigation. The allegations made in the FIR do attract the ingredients of cognizable offence. In that view of the matter, the institution of FIR cannot be held to be bad.

8. Accordingly, the writ petition is dismissed.

(Ashwani Kumar Singh, J.)

Sanjeet/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	03.01.2019
Transmission Date	03.01.2019

