

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.75907 of 2019

Arising Out of PS. Case No.-1012 Year-2018 Thana- DEHRI TOWN District- Rohtas

DR. ASIT RANJAN S/o Anchit Prasad Singh Resident of Sakin- Sonversha,
Khauda, P.S.- Mali, District- Aurangabad, Bihar

... .. Petitioner/s

Versus

1. The State of Bihar
2. Nityanand Pandey S/o Late Bhola Nath Pandey R/o village- Gangapur, P.S.-
Sikraul, District- Buxur

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vinay Prakash Mishra
For the Opposite Party/s : Mr. Uday Pratap Singh

CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

2 26-11-2019 This application has been filed for quashing of the order dated 05.02.2019 passed in Dehri (Town) P.S. Case No. 1012/2018 passed by Second Additional Session Judge cum Special Judge, Excise, whereby and whereunder he has taken cognizance under Section 341, 323, 504 of the Indian Penal Code and Section 37(C) of Bihar Prohibition and Excise Amendment Act, 2018.

The ground for quashing of order is that the Breath analysis Test report, there is no signature of the petitioner and in the medical examination report, there is no finding of the doctor and FSL report is not available.

Heard learned APP, who has opposed this application on



the ground that cognizance has been taken against several sections including 37(C) of Bihar Prohibition and Excise Act, 2016. The point raised by the petitioner can be considered even at the time of framing of charge.

Having heard both sides, in view of the fact that petitioner has an opportunity to raise those points considered at the time of framing of charge, as such this application stands disposed off with liberty to the petitioner to raise all the points at the time of framing of charge and Special Judge shall consider the same and dispose of the same by reasoned order.

(Vinod Kumar Sinha, J)

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