

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.84159 of 2019

Arising Out of PS. Case No.-79 Year-2019 Thana- NAUTAN District- Siwan

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1. SUNIL KUMAR Son of Devta Prasad Resident of Village - Kangali Chapra, P.S. - Dauradha, District - Siwan.
 2. Madhusudan Prasad @ Madhusudan Kumar Son of Budhraj Prasad Resident of Village - Kangali Chapra, P.S. - Dauradha, District - Siwan.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Arbind Kumar

For the Opposite Party/s : Mr.Vinod Shanker Modi

CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

2 19-12-2019 This application has been filed for quashing the FIR of Nautan P. S. Case No. 79 of 2019 registered under Sections 30A and 41(1) of Bihar Prohibition and Excise Act.

Case, in short, is that police on information raided the place of occurrence and saw two persons coming on motorcycle and they tried to flee away but they were caught and there is recovery of 48 bottles, each contained 180 ML of English wine and as such police lodged the aforesaid case.

The ground for quashing is that in seizure list there is no signature of witnesses and as such allowing the criminal proceeding to continue is an abuse of process of law.

Heard learned APP also.



Having heard both sides and on perusal of the record it appears that there is nothing illegal so as to interfere with the FIR as it is well settled that FIR can only be interfered with when case is not made out as per FIR or allegation is absurd or it is against the provisions of law but in the present case FIR clearly disclosed a case against the petitioners, as such this application being devoid of merit is, accordingly, dismissed.

(Vinod Kumar Sinha, J)

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