

**IN THE HIGH COURT OF JUDICATURE AT PATNA**

**Criminal Writ Jurisdiction Case No.1775 of 2019**

Arising Out of PS. Case No.-97 Year-2019 Thana- BOCHAHAN District- Muzaffarpur

JITENDRA KUMAR @ JEETU RAI @ JITENDRA RAI S/o Yogendra Rai  
Resident of Village- Muradpur Kasi @ Kargaon, P.S.- Bochhan, District-  
Muzaffarpur.

... .. Petitioner

Versus

1. THE STATE OF BIHAR THROUGH D.G.P., GOVT. OF BIHAR, PATNA Bihar, Patna.
2. Senior Superintendent of Police, Muzaffarpur. Muzaffarpur.
3. Superintendent of Excise, Muzaffarpur. Muzaffarpur.
4. Station House Officer of Bochahan Police Station, Muzaffarpur. Muzaffarpur.
5. Investigating Officer of Bochahan P.S. Case No. 97/2019 Bochahan
6. Surendra Prasad S/o Sahdeo Prasad R/o Village- Khokhanpura, P.S.- Kako, District- Jehanabad, informant of Bochahan P.S. Case No. 97/2019

... .. Respondents

**Appearance :**

For the Petitioner/s : Mr.Ravi Ranjan, Advocate

For the Respondent/s : Mr.Kumar Manish, Advocate

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD**  
**ORAL ORDER**

2      29-01-2020                      The petitioner in the present case is seeking quashing of the first information report being Bochahan P.S. Case No.97 of 2019 dated 08.03.2019 registered for the offences under Sections 272, 273 of the Indian Penal Code and Section 30(a), 32(ii), 38(ii) of the Bihar Prohibition & Excise Act.

Learned counsel for the petitioner submits that the petitioner is though named in the FIR but he has been falsely implicated and has been made accused on mere suspicion. It is submitted that the Police has not found any material to connect the petitioner with the present case.



Learned counsel for the State submits that presently only FIR has been lodged and mere lodging of the FIR is nothing but an entry of the information with regard to commission of a cognizable offence in the FIR Book and FIR Register of the Police Station. The investigation is still going and at this stage it would not be just and proper for this Court to quash the first information report as against the petitioner.

Having heard learned counsel for the petitioner and learned State as also upon going through the allegations made in the first information report, this Court is of the considered opinion that the petitioner being named in the FIR and in connection with the recovery of huge quantity of illicit liquor the Police is investigating his role, at this stage it would not be just and proper for this Court to interfere with the investigation.

The writ application has thus, no merit. It is dismissed accordingly.

**(Rajeev Ranjan Prasad, J)**

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