

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.1788 of 2019

Arising Out of PS. Case No.-442 Year-2019 Thana- GOPALGANJ TOWN District-
Gopalganj

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MADAN SAH Son of Late Khendar Shan Resident of Village - Machhagar
Lachhiram Pali, P.S.- Hatua, Distt - Gopalganj.

... .. Petitioner

Versus

1. THE STATE OF BIHAR THROUGH PRINCIPAL SECRETARY, EXCISE
DEPT. BIHAR PATNA
2. The Director General of Police, Bihar, Patna.
3. The Deputy Inspector, General of Police, Saran at Chapra.
4. The District Magistrate, Gopalganj.
5. The Deputy Collector, Land Reforms, Gopalganj.
6. The Excise Superintendent, Gopalganj.
7. The Officer Incharge, Town, P.S.- Gopalganj.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ranjeet Kumar Singh, Advocate
For the Respondent/s : Mr. Akash Chatruvedi, AC to SC 11

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 03-02-2020 Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner in the present is seeking quashing of
the first information report vide Gopalganj P.S. Case No. 442 of
2019, G.R. NO. 1052 of 2019, registered under Section 379 of
the Indian Penal Code as well as Section 30(a) of the Bihar
Prohibition & Excise Act pending before the court of learned 2nd
Additional Sessions Judge-cum-Special Judge, Excise,
Gopalganj.

Learned counsel for the petitioner submits that this



petitioner is a SAIP Jawan who has been made accused in this case on the basis of an inquiry report submitted by the two members committee comprising Deputy Collector Land Reforms, Gopalganj and the Excise Superintendent, Gopalganj who have upon examining a whatsapp video taken a view that this petitioner was taking away two bottles of illicit liquor concealing them in paper and he is being seen in the Malkhana of the excise department. The two members committee express their view that the petitioners seems to be involved in the taking away of the illicit liquor. It is submitted that the inquiry report no where discloses the place of the Hajat Malkhana or the time of the alleged occurrence and only on mere suspicion the petitioner has been made accused in this case.

Learned counsel for the State, however, submits that in the nature of the allegations made in the first information report which is based on a *prima facie* view expressed by the two members committee, at this stage when the investigation is still going on, it would not be just and proper to quash the first information report and interfere with the investigation.

Considering the facts and circumstances of the case wherein it appears to this Court that presently the allegations made in the first information report which are indicating



towards a commission of cognizable offence is still under investigation, this Court does not find it fit and proper to interfere with on-going investigation and no reason for curtailing the investigation is made out by the petitioner.

At this stage, this Court is not inclined to interfere with the first information report. Let the investigation be expedited. The Excise Superintendent, Gopalganj (respondent no. 6) is directed to review the matter and take steps or issue directions in this regard to complete the investigation of the case as early as possible and a police final report be submitted preferably within a period of three months from the date of receipt/production of a copy of this order.

The writ application stands disposed of.

(Rajeev Ranjan Prasad, J)

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