

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.1833 of 2019

Arising Out of PS. Case No.-7 Year-2017 Thana- GOVINDPUR District- Nawada

Bhola Rajak, aged about 65 years, Male, S/o Jagdhari Rajak Ward No.-
7, Resident of Village- Paharpur, Chamraha, Distt- Vaishali.-844507.

... .. Petitioner

Versus

1. The State Of Bihar Through The Excise Secretary, Old Secretariat, Patna Bihar
2. The Director General of Police, Patel Bhawan, Bailey Road, Patna Bihar
3. The Inspector General of Police, Magadh Division, Gaya. Bihar
4. The Deputy Inspector General of Police, Magadh Division, Gaya. Bihar
5. The Superintendent of Police, Nawadah, Distt- Nawadah Bihar
6. The Deputy Superintendent of Police, Sub Division Office, Rajauli, Distt- Nawada. Bihar
7. The Thana Incharge, Thana- Govindpur, Distt- Nawadah Bihar
8. The Sub- Inspector- Cum- Investigating Officer, Thana- Govindpur, District- Nawadah. Bihar

... .. Respondents

Appearance :

For the Petitioner/s : Mr.Chandra Bhushan Verma, Advocate
For the Respondent/s : Mr.Sriram Krishna, AC to S.C.11

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 04-02-2020 Petitioner in this case is seeking a direction to the respondents not to harass the petitioner and implicate in Govindpur P.S. Case No. 07/2017 dated 23.01.2017 registered under Section 30(a) of the Bihar Prohibition & Excise Act, 2016.

From Annexure '3' to the writ application, it



appears that he had made a representation before Inspector General of Police, Bihar in which he has claimed that the Sumo Victa vehicle bearing registration no. BR1AP-9080 from which illicit liquor has been recovered was sold by him on 24.07.2015 to one Garib Nath Sah.

It is, thus, his contention that once he had given information to the Investigating Officer of the case and had also made available to him the relevant papers, the Investigating Officer should not involve him in this case and he should not be harassed.

In the writ application there is a categorical statement in paragraph '5' of the writ application that on 23.01.2017 he was threatened by the Investigating Officer on mobile saying him that either he should take bail from the court or else he will be arrested.

In the whole writ application, there is no statement as to whether petitioner is on bail and/or has submitted to the jurisdiction of the Court in connection with this case. The stage of the investigation is also not mentioned in the writ application.



In the facts and circumstances mentioned in the writ application, first of all the petitioner, if apprehending arrest in connection with this case, his remedy lies in a different jurisdiction to obtain bail either anticipatory or regular as the case may be.

It would be open for him to bring all such facts and materials which he thinks just and proper and relevant to the Investigating Officer who would seek instruction in this regard from the competent authority if the investigation is still pending and shall take appropriate steps in accordance with the directions of the Supervising Authority.

This Writ Application stands disposed off with the aforesaid observations and directions.

(Rajeev Ranjan Prasad, J)

Rajeev/-

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