

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.516 of 2017

Arising Out of PS. Case No.-108 Year-2016 Thana- NAUHATTA District- Rohtas

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Jai Prakash Singh @ Monu Singh, Son of Devmuni Singh, Resident of
Village- Nauhatta, District- Rohtas.

... .. Petitioner

Versus

1. The State of Bihar Through The Chief Secretary, Government of Bihar, Patna
2. The Director General of Police, Bihar, Patna.
3. The Inspector General of Police, Patna Range, Patna.
4. The Deputy Inspector General, Sahabad Range, Deheri-on-Sone, District-Rohtas.
5. The District Magistrate, Rohtas.
6. The Superintendent of Police, Rohtas.
7. The Station House Officer, Nauhatta, Police Station, Rohtas-cum-Investigating Officer of Nauhatta, P.S. Case No. 108 of 2016

... .. Respondents

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Appearance :

For the Petitioner/s : Mr.Surendra Kumar Mishra, Advocate
For the Respondent/s : Mr.Ajay Kumar Sharma, A.C. to A.G.

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 18-07-2022 Heard learned counsel for the petitioner and learned
A.C. to A.G. for the State.

Petitioner in the present case is seeking quashing of the
First Information Report in Nauhatta P.S. Case No. 109 of 2016
dated 12.12.2016 registered for the offences punishable under
Section 30A of Bihar Prohibition and Excise Act, 2016 and
Sections 272, 273 and 34 of the Indian Penal Code.

Learned counsel for the petitioner submits that in this
case the name of the petitioner has transpired in the confessional



statement of the tempo driver from whose tempo the illicit liquors are said to have been seized. It is his submission that there is no recovery from the possession of the petitioner and he was not apprehended at the spot. The only material against him is the confessional statement of the co-accused. It is, thus, submitted that it is a case of false implication of the petitioner and there being no admissible evidence against the petitioner, the F.I.R. is fit to be quashed.

It is further submitted that the investigation of this case has remained pending for over six years and till date the Police report has not been submitted.

Learned A.C. to A.G. submits that when the counter affidavit was filed, the investigation was pending and he is not aware of the present stage. He, however, does not controvert the statement of the learned counsel for the petitioner that till date no chargesheet has been filed.

Be that as it may, this Court is of the considered opinion that the F.I.R. cannot be quashed on the ground pleaded on behalf of the petitioner at this stage. The investigation will only reveal whether there is any other material against the petitioner to connect him with the present case. The evidentiary value of the materials collected in course of investigation shall also be looked into at appropriate stage. Till date the investigation has not been



completed and in strict legal sense no proceeding has started because the order taking cognizance has not been passed.

This Court, no doubt, agrees with the submission of learned counsel for the petitioner to the extent that in this case the investigation has remained pending for over six years which is an inordinate delay in completion of investigation, nonetheless this Court gives an opportunity to the Investigating Agency to complete the investigation within a period of four months from the date of communication of this order and submit a Police report on the basis of the materials collected in course of investigation.

The Superintendent of Police, Rohtas (respondent no. 7) is directed to supervise the matter within a period of 15 days from the date of communication of this order and issue necessary instructions to the I.O. of the case.

In case the order is not complied with, it will be open for the petitioner to move this Court afresh.

This application stands disposed of accordingly.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

