

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18586 of 2020

Arising Out of PS. Case No.-378 Year-2019 Thana- GOVERNMENT OFFICIAL COMP.
District- Kishanganj

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Shiladitya Adak S/O Sukumar Adak R/O Village- Polonda, P.S.- Tamluk,
District- East Mednipur (W.B.)

... .. Petitioner/s

Versus

1. The State of Bihar
2. Sanjay Kumar Singh Excise Inspector, Dhawadal Kishanganj Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ram Prawesh Kumar, Adv.
For the Opposite Party/s : Mr.Choubey Jawahar

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

2 27-04-2022

The petitioner seeks quashing of the F.I.R. of Special Case No. 378 of 2019 which has been instituted for offence under Section 30(a) and 37 (b) of the Bihar Prohibition and Excise (Amendment) Act, 2016.

The petitioner and one Sukumar Mishra were arrested. From the possession of Sukumar Mishra, huge quantity of liquor was recovered. Both of them were traveling in a public transport. The prosecution report further indicates that though the possession of the liquor was with Sukumar Mishra but the liquor actually belongs to the petitioner.

The learned counsel for the petitioner has submitted that the prosecution report is absolutely vague as the number of



the vehicle also has not been mentioned in the report. Apart from this, no reason has been assigned for suspicion regarding the ownership of the liquor bottles, on the petitioner.

Be that as it may, these are not the ground on which the F.I.R. can be quashed. The prayer made on behalf of the petitioner is untenable.

For the reason of the petitioner having been made accused in this case in which the investigation is proceeding and the petitioner has been granted bail, this Court is not inclined to accede to the request made by the learned counsel for the petitioner for quashing of the subject F.I.R.

There is no merit in this application and the same is accordingly dismissed.

(Ashutosh Kumar, J)

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