

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11279 of 2021

Arising Out of PS. Case No.-18 Year-2017 Thana- GADHPURA District- Begusarai

RAVINDRA KUMAR YADAV S/o Tarni Prasad Yadav R/o Vill- Bargama,
P.S.- Hassanpur, Dist- Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

.. .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Kumar Binode Bariar

For the Opposite Party/s : Mr. Bindo Kumar

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA

ORAL ORDER

2 28-04-2022 Heard learned Counsel for the petitioner and learned
Additional Public Prosecutor for the State.

The present application has been filed for quashing the order, dated 02.02.2020, passed by learned 2nd Additional Sessions Judge -cum- Special Judge, Excise, Begusarai, by which the learned Special Judge has rejected the prayer of the petitioner for his discharge in connection with Gadhpura Police Station Case No. 18 of 2017.

The prosecution case, as per the First Information Report, is that one tempo, owned by the petitioner, was intercepted, which was being driven by the driver, and a total quantity of 51.84 litres of illicit liquor was recovered from the said tempo.

Learned Counsel for the petitioner submits that the petitioner is the owner of the said tempo and had given the tempo to the driver for plying. He further submits that the



petitioner was not aware about the illicit liquor being kept therein by the driver. He next submits that during course of investigation, no material has come against the petitioner, however, charge sheet was submitted against him and a petition for discharge, under Section 239 of the Code of Criminal Procedure, 1973, was filed, but the learned Special Judge has rejected the same in mechanical manner inasmuch as no material has come against the petitioner during the investigation. He further submits that Section 30 (a) of the Bihar Prohibition and Excise Act, 2016 is not applicable against the petitioner in the facts of the case.

I have perused the impugned order and from perusal of the same, it appears that the learned Special Judge has referred various paragraphs of the case diary and after being satisfied that sufficient material is available against the petitioner, has rejected the application for discharge.

I do not find any infirmity in the impugned order, warranting interference by this Court.

This application is, accordingly, dismissed.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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