

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 11485 of 2021

Arising Out of PS. Case No.-203 Year-2019 Thana- BIDUPUR District- Vaishali

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ABHAY KUMAR SINGH @ ABHAY SINGH S/o Late Jay Vinod Singh @
Jay Govind Singh R/v- Mile, P.S.- Bidupur, Distt- Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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with
CRIMINAL MISCELLANEOUS No. 11504 of 2021

Arising Out of PS. Case No.-203 Year-2019 Thana- BIDUPUR District- Vaishali

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ABHIJOSH KUMAR @ AVJOSH KUMAR S/o Sri Suresh Prasad Singh R/v-
Mile, P.S.- Bidupur, Distt- Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

(In CRIMINAL MISCELLANEOUS No. 11485 of 2021)

For the Petitioner/s : Mr. Vijay Kumar Sinha, Adv.

For the Opposite Party/s : Mr. Chandra Sen Prasad Singh, APP

(In CRIMINAL MISCELLANEOUS No. 11504 of 2021)

For the Petitioner/s : Mr. Vijay Kumar Sinha, Adv.

For the Opposite Party/s : Mr. Arun Kumar Singh, APP

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CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

2 21-04-2022 Heard learned counsel for the petitioners and learned
counsel for the State.

The petitioners have preferred this application for
quashing the FIR of Bidupur P.S. Case no. 203 of 2019
registered under sections 30(a) and 41 of the Bihar Prohibition
and Excise Act, 2016.



As per the prosecution case, on receiving information that the petitioners Abhay Kumar and Abhijosh Kumar were getting foreign liquor on a vehicle and getting the same unloaded for sale in the local market, it is stated by the informant that they proceeded to verify the said information. At about 1.45 am they saw the vehicle, however, the driver and others escaped. In presence of the Chowkidar, 9912 bottles ie total of 3584.86 litres of liquor was recovered and the FIR registered against the owner and driver of the pick up vehicle, the two petitioners herein and 4-5 unknown accused persons.

It is submitted by learned counsel for the petitioners that the petitioners have been falsely implicated in the case. From perusal of the contents of the FIR itself it would transpire that no truck was recovered or seized by the police personnel instead it was a pick up van. The alleged place of recovery was land of Dina Choudhary. No evidence has transpired nor has been mentioned in the FIR. The recovery is not in compliance with section 100 Cr.P.C. and the petitioners have been falsely implicated in the case without any basis. Thus it is prayed that the FIR be quashed.

Heard learned A.P.P. for the State.

Having heard learned counsel for the parties and taking



into consideration the facts and circumstances of the case specially the contents of the FIR, it is now well settled that at the stage of quashing of the FIR, the allegations in the FIR have to be read as a whole and only if on the face of the allegations no offence whatsoever is made out, only then the FIR may be quashed. It is also well settled that the FIR is not expected to be an encyclopedia.

In the facts of the case, the petitioner has not made out any case for quashing of the FIR and the instant application is without any merit.

The application is dismissed.

(Partha Sarthy, J)

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