

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17226 of 2021**

Arising Out of PS. Case No.-150 Year-2017 Thana- DUMRA District- Sitamarhi

MD. SLAHUDDIN Son of Late Md. Sakur R/o Village- Bhisra Basantpur
Ward No.06, P.S.- Dumara, Distt- Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Alok Kumar Jha, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 05-05-2022 Heard learned counsel for the parties.

The petitioner is seeking quashing of the order dated 23.07.2018 passed by the learned A.D.J.- II, Sitamarhi in Dumra P.S. Case No. 150 of 2017 (Trial No. 2474 of 2018) by which cognizance has been taken under Section 37(b)(c) of the Excise Act, 2016.

As per the prosecution case, the police was on a patrolling duty on 17.05.2017 found some persons quarreling with each other. The police stopped them to talk to them but found that they are inebriated. Accordingly, the police got them tested through breath analyzer in which so far as this petitioner is concerned, the result was positive and it was further found that he was in drunken position.

This led to lodging of the First Information Report in



which Charge sheet No. 177/17 was filed by the police.

The learned A.D.J. -II, Sitamarhi after having been *prima facie* satisfied with the facts of the case and the contents in the charge sheet took cognizance in the matter vide an order dated 23.03.2018.

This Court has gone through the First Information Report as well as the cognizance order dated 23.03.2018 and found the same to be fully justified. There is no occasion to interfere with the said order dated 23.03.2018 passed by learned A.D.J.-II, Sitamarhi in Dumra P.S. Case No. 150 of 2017.

The quashing application preferred under Section 482 of the Code of Criminal Procedure has no merit and is accordingly dismissed.

(Rajiv Roy, J)

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