

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.1215 of 2022

Arising Out of PS. Case No.-49 Year-2022 Thana- DANDARI District- Begusarai

HIRA CHAUDHARY Son of Pashupati Chaudhary Resident of Village -
Ward No.- 02, Menhan, P.S.- Dandari, District - Begusarai.

... .. Petitioner

Versus

1. The State of Bihar through its Principal Secretary, Bihar Excise Department at Patna.
2. The Director General of Police at Patna (Bihar).
3. The Deputy Inspector General of Police, Munger Division at Munger.
4. The District Magistrate, District of Begusarai at Begusarai.
5. The Superintendent of Police, Begusarai at Begusarai.

... .. Respondents

Appearance :

For the Petitioner/s : Mr.Binod Kumar, Advocate
For the Respondent/s : Mr.Kumar Pankaj, AC to SC-5

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 22-11-2022 Heard learned counsel for the petitioner and Mr. Kumar Pankaj, learned AC to SC-5 for the State.

Petitioner, in this case, is seeking a direction to the respondents to make further investigation in connection with Dandari P.S. Case No. 49/2022 in the district of Begusarai in which he has been implicated as an accused for an offence alleged under Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

Learned counsel for the petitioner submits that in this case the petitioner has been falsely implicated by the informant who is himself a Sub-Inspector of Police namely, Ashok



Paswan. According to the petitioner, the S.I. of police has registered a false F.I.R. showing a wrong place of recovery of illicit liquor of 18.885 liters and some bottles of Whisky. It is his further submission that even those places from which recoveries have been shown do not belong to the petitioner and no connection of the petitioner would be established with the business of storage of illicit liquor, still a charge-sheet has been filed in the learned court below. It is submitted that only a further investigation in the matter may bring out the truth.

Learned counsel for the State submits that in a case where charge-sheet has already been submitted, petitioner has a statutory remedy under Section 173(8) Cr.P.C. whereunder he can file an application before the learned Jurisdictional Magistrate seeking a direction for further investigation of the case. At the same time, he may bring all such materials which he may produce to the notice of the senior police officials who may re-visit the matter and take an appropriate view thereon.

Having regard to the facts and circumstances of the case, the nature of the reliefs prayed in the writ application, this Court is of the considered opinion that the petitioner, if so advised, may file an appropriate application in the court of learned Magistrate seeking further investigation and he may



satisfy the learned Magistrate for passing an appropriate order thereon.

It is open for the petitioner to bring the entire materials to the notice of the Director General of Police, Bihar at Patna (respondent no. 2) and in case such materials are brought to the notice of respondent no. 2, he is expected to take a view thereon and issue appropriate directions within a reasonable time.

This application stands disposed of accordingly.

(Rajeev Ranjan Prasad, J)

Rajeev/-

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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'.

