

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.738 of 2022

Arising Out of PS. Case No.-115 Year-2020 Thana- RAMNAGAR District- West Champaran

Pawan Kumar @ Pawan Kumar Yadav @ Pawan Yadav S/o Sakaldeep Yadav
Resident of Mudila, P.O. and P.S.- Ram Nagar, District- West Chamapran,
Bihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vikas Ratan Bharti, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL JUDGMENT

Date : 24-11-2022

Heard Mr. Vikas Ratan Bharti, learned counsel for the petitioner and Mr. Chandra Sen Prasad Singh, learned APP for the State.

2. The present quashing application has been filed for quashing the order dated 21.09.2020 passed by the learned Additional District & Sessions Judge-IIInd-cum-Special Judge, Excise, Bettiah, West Champaran in connection with Ram Nagar P.S. Case No. 115 of 2020 by which the learned Special Judge, Excise, Bettiah, West Champaran has been pleased to take cognizance against the petitioner for the offence under Section 37 (C) Bihar Prohibition and Excise Act.



3. Learned counsel for the petitioner submits that the entire allegation as alleged in the F.I.R. is out and out false and concocted and petitioner has been falsely implicated in the present case. He further submits that no breathe analyzer test was immediately conducted by the prosecution and the report of the breathe analyzer is absolutely false and no test was conducted upon the petitioner and no independent witness in the present occurrence and without complying the judicious mind the present impugned order has been passed by the learned Additional District & Sessions Judge-II-cum-Special Judge, Excise, Bettiah, West Champaran.

4. Learned counsel for the State, on the other hand, submits that from perusal of the impugned order dated 21.09.2020 it appears that learned Court below has passed the order with due application of mind on the basis of the police report, seizure list and the report of the breathe analyzer test and other materials available on record and from perusal of the aforesaid, the learned Court below finds prima facie case made out against the petitioner and the learned Court below has rightly taken cognizance against the petitioner.



5. Upon hearing the parties and the finding in the impugned order, this Court finds that there is no illegality in the impugned order and no need to interfere in the matter.

6. In this view of the matter, the quashing application stands dismissed.

(Rajesh Kumar Verma, J)

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AFR/NAFR	NAFR
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