

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.90 of 2023

Arising Out of PS. Case No.-12 Year-2022 Thana- MIRGANJ District- Gopalganj

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Saddam @ Saddam Hussain S/O Jagdish Miyan @ Mohammad Shamsuddin
Resident Of Village- Peuli, P.S.- Mirganj, District- Gopalganj.

... .. Petitioner/S

Versus

1. The State Of Bihar
2. The Principal Secretary, Department Of Home, Bihar, Patna.
3. The Director General Of Police, Bihar, Patna.
4. The Superintendent Of Police, Gopalganj.
5. The Officer Incharge, Mirganj, Gopalganj, Bihar.
6. Hareram Yadav S/O Late Jaleshwar Chaudhary Resident Of Village- Pakari,
P.S.- Mirganj, District- Gopalganj.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Dhananjay Kumar Upadhyay, Adv.
For the Respondent/s : Mr. Manish Kumar, Adv.

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL JUDGMENT

Date : 12-04-2023

Learned counsel for the petitioner and learned
counsel for the State present.

The present criminal writ application has been filed
for quashing of the F.I.R. alongwith charge-sheet in connection
with Mirganj P.S. Case No. 12 Of 2022 dated 09.01.2022
registered under Sections 341, 323, 353, 504, 506/ 34 of the
I.P.C. read with Section 37(b)(c) of Bihar Prohibition and Excise
Act, 2018.

Counsel for the petitioner submits that the

petitioner is not present in India. He has annexed documents which is Annexure-2, showing the passport by which it transpires that petitioner was not present in India from 18.12.2021 to 28.07.2022. Counsel submits that liberty may be granted to him to place all the documents relating to his defence and innocence before the Superintendent of Police, Gopalganj in the light of order passed in ***Surendra Singh Vs. The State of Bihar & Ors.*** in ***Cr. WJC. No. 153 of 2017*** and analogous cases decided on 09.09.2022.

In this view of the matter, the present criminal writ petition is disposed off with direction to the petitioner to file representation before the Superintendent of Police, Gopalganj in the light of the order passed in ***Surendra Singh Vs. The State of Bihar & Ors.*** in ***Cr. WJC. No. 153 of 2017*** with analogous cases decide on 09.09.2022 within four weeks' from today and the Superintendent of Police, Gopalganj shall consider the representation and take appropriate action.

State has no objection for the same.

In the present facts and circumstances of the case, I am not inclined to grant any relief relating to quashing of F.I.R. or charge-sheet but it is directed that upon verification of all the documents which petitioner shall submit before Superintendent

of Police, Gopalganj, if it was found that no offence is made out, as petitioner was not present and the documents are correct and not forged and fabricated. The appropriate decision may be taken so that the petitioner may not be unnecessarily harassed.

With this direction, the present criminal writ application stands disposed off.

(Dr. Anshuman, J.)

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AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	