

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.677 of 2018

Arising Out of PS. Case No.-397 Year-2017 Thana- BAHADURPUR District- Darbhanga

Lakshman Jha @ Lakshuman Jha Son of Late Ram Udgar Jha @ Ram Udar Jha, Resident of Village-Dekuli, P.S.-Bahadurpur, District-Darbhangha.

... .. Petitioner/s

Versus

1. The State Of Bihar Through The Principal Secretary, Department Of Home Police , Bihar, Patna.
2. The Director General of Police, Bihar, Patna.
3. The Additional Director General of Police Head Quarter, Bihar, Patna.
4. The Deputy Inspector General of Police, Darbhanga Range, Darbhanga.
5. The Deputy Inspector General of Police, Darbhanga Range, Darbhanga.
6. The Senior Superintendent of Police, Darbhanga.
7. The Deputy Superintendent of Police, Sadar, Darbhanga.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Manish Kumar, No-13, Advocate
For the Respondent/s : Mr. Manish Kumar, GP-4

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 02-01-2023 Heard learned counsel appearing on behalf of petitioner and learned AC to GP4 appearing on behalf of State.

The present criminal writ application has been filed for a direction to respondent authorities to strike out name of the petitioner from array of accused, as petitioner was falsely implicated in this case, purely on hearsay input without any connecting evidences.

It is submitted by ld. counsel appearing on behalf of petitioner that, liquor was admittedly recovered from the premises of one, Ram Bali Jha, but he was not made accused in



this case. It is also submitted that tube-well of said Ram Bali Jha from where illicit liquor in question was recovered, was also not made subject of confiscation proceedings, as per provision laid down u/s 56(e) of Bihar Prohibition and Excise Act, 2016.

Learned counsel appearing on behalf of State submitted that it was Ram Bali Jha, who informed police that total 28.5 liters of illicit liquor, was kept near to his tube-well. It is further submitted that charge-sheet has been submitted against the petitioner as per best of his knowledge, where charge has also been framed. It is also submitted that petitioner has alternate remedy, for the prayer as raised through present criminal writ petition, which he may avail during the course of trial.

In view of the submissions as made above, as efficacious and alternative remedy is available to petitioner for the prayer as raised through present criminal writ petition, the present writ petition stands disposed of with liberty to raise the aforesaid issues at appropriate stage during the trial.

(Chandra Shekhar Jha, J)

S.Katyayan/-
S.Tripathi/-

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