

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.1338 of 2017

Arising Out of PS. Case No.-60 Year-2017 Thana- KUDHNI District- Muzaffarpur

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1. Moti Rai Son of Harihar Rai R/o Village- Jagdish Kamataul.
 2. Mukesh Singh son of Ram Naresh Singh
 3. Chandan Kumar Son of Ram Naresh Singh Both are Resident of Village- Fatehpur O.P Fakuli.
 4. Chinta Devi W/o Rajesh Kumar resident of Village Jagdish kamataul.
 5. Ramesh Kumar @ Chhotan Son of Ramswarup Singh Resident of Village Muzaffarpur Kamataul.
 6. Sakesh Kumar Son of Ratnesh Singh Resident of Village Jagdish Kamataul.
 7. Rajesh Kumar Bhagat S/o Sakal Bhagat R/o Vill- Jagdish Kamtaul, All are P.S. Kudhani, District Muzaffarpur.

... .. Petitioner/s

Versus

1. The State Of Bihar Through The Chief Secretary, Government Of Bihar, Patna and Ors null null
2. The Principal Secretary Home Department Government of Bihar, Patna.
3. The Principal Secretary, Health Department Government of Bihar, Patna.
4. The Director General of Police, Bihar, Patna.
5. The Inspector General of Police, Trihut Range, Muzaffarpur.
6. The Deputy Inspector General of Police, Tirhut Range, Muzaffarpur.
7. The District Magistrate, Muzaffarpur.
8. The senior Superintendent of Police Muzaffarpur.
9. The Drug Superintendent, Muzaffarpur.
10. The Sub Divisional Officer West, Muzaffarpur.
11. The Drug Inspector of Muzaffarpur.
12. The Circle Officer, Kudhani , Muzaffarpur.
13. The Station Head Officer, P.S. Kudhani.
14. The Investigating Officer, Kudhani P.S. Case No. 6060/17

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Anish Kumar
For the Respondent/s : Mr. P.K. Verma Aag3

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

2 27-02-2023 Heard the learned counsel for the parties.

Learned counsel for the petitioners are not able to
give the stage of the case.



This case has been filed for quashing the Kudhani P.S. Case No. 60/2017 registered for the offences under sections 147, 149, 341, 323, 353, 504, 506 of the Indian Penal Code and Section 22(3) of the (Drugs) and Cosmetic Act.

As per prosecution case, the informant along with other officials went for inquiry of Priyanshu Medical store as per the instruction given by the S.D.O. (West) Muzaffarpur when informant reached to the medical store he himself claim that honor of the medical store when license is demanded from that person but he has refused to produce the same thereafter informant has searched the store but no any increment material was recovered. Petitioners have no medical store. In the facts and circumstances of the case it is clear that lodging the Kudhani P.S. Case No. 60/17 is totally illegal, arbitrary and thus fit to be quashed.

In view of the law laid down by the Supreme Court in the case of *M/s Neeharika Infrastructure Pvt. Ltd. V. State of Maharashtra and others AIR 2021 Supreme Court 1918*, this application is dismissed.

(Sandeep Kumar, J)

Ranjeet/-

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