

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.1813 of 2017

Arising Out of PS. Case No.-90 Year-2017 Thana- DERNI BAZAR District- Saran

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1. Surendra Rai S/o Vishwanath Rai resident of village - Rasulpur, P.S. Derni, District - Saran.
 2. Raju Kumar Rai @ Raju Rai S/o Bharat Rai resident of village - Pirari, P.S. Derni, District - Saran.
 3. Vijay Kumar Rai @ Vijay Rai S/o Laldeo Rai resident of village - Pirari, P.S. Derni, District - Saran at Chapra.

... .. Petitioner/s

Versus

1. The State Of Bihar Through D. G. P. Govt. Of Bihar, Patna.
2. The Superintendent of Police, Saran at Chapra.
3. The Officer-in-Charge, Derni Police Station, Chapra.
4. Ganesh Prasad S/o Bhutela Ram presently posted as Sub-Inspector, Derni Police Station, Chapra.
5. The Excise Inspector, Saran at Chapra.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Anurag Saurav
For the Respondent/s : Mr. Vivek Prasad, GP 7

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

2 24-03-2023 Heard learned counsel for the parties.

The following prayer has been made in this petition at
the stage of interference this Court will not interfere in the
matter:-

***1) For quashing of the Derni P.S. Case No. 90
of 2017 registered under section 30, 30(A) of
Bihar Prohibition and Excise Act 2016, as no
ingredient of offence is made out against the
petitioners and petitioners were not present at***



the concern place of occurrence is any way connected with the petitioners and petitioners have been maliciously implicated on protest made by petitioners against the police person for seizure of their vehicle and for that petitioner no. 1 also instituted a complaint case bearing Complaint Case No. 2517 of 2017 registered u/s 147, 148, 149, 165, 167, 194, 323, 341, 379, 420, 120(B) and 506 of the Indian Penal Code and section 27 of the Arms Act.

II.) For directing respondent no.2 to conduct investigation of Derni P.S. Case No. 90 of 2017 by independent organization or some other officer in-charge, as petitioner had filed one complaint case against officer in-charge and other police officer of Derni P.S.

As per prosecution story, the informant along with other persons got secret information that one pickup van carrying illegal liquor coming from Mahesiya to Pattisital. When informant and officer in charge gone to Pattisital and himself went to Rasulpur Mahesiya road and one pickup van bearing registration no.



BR04M, 0805 coming from Mahesiya carrying illegal liquor. On seeing the police, pickup van not stopped and ran away. On chasing the driver of the vehicle caught and other two persons left the pickup van ran away taking advantage of darkness. Seizure list was prepared and the Chowkidar Surendra Manjhi told that the vehicle belongs to one Surendra Rai who in connivance with Raju Rai used to sell liquor which itself is an offence. On the basis of aforesaid fact the Derni P.S. Case No. 90 of 2017.

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)

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