

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.2389 of 2017

Arising Out of PS. Case No.-328 Year-2017 Thana- DEHRI TOWN District- Rohtas

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Ashok Kumar Son of Dudheshwar Singh, Resident of Village- Muzaffarpur,
Police Station- Sahar, District- Bhojpur.

... .. Petitioner/s

Versus

1. The State Of Bihar Through The Principal Secretary Department Excise Govt. Of Bihar, Patna and Ors
2. The Director General of Police, Bihar, Patna.
3. The Inspector General of Police, Patna Zone, Bihar, Patna.
4. The Deputy Inspector General of Police, Shahabad Range, Dehri-on-Sone, Rohtas.
5. The Superintendent of Police, Rohtas at Sasaram.
6. The Deputy Superintendent of Police Rohtas at Sasaram.
7. The SHO of Dehri T Police Station- Dehri, Rohtas.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Sanjay Kumar Tiwary
For the Respondent/s	:	Mr. Vivek Prasad Gp-7
		Ms. Supragya AC to GP7

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CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

3 08-08-2023 Heard the parties.

2. This writ application has been filed on behalf of the petitioner for quashing of the FIR bearing Dehri Nagar P.S. Case 328 of 2017 registered for the offence under Sections 272 and 273 of the Indian Penal Code and under Section 30(a) of Bihar Excise Prohibition Act, 2016.

3. The prosecution case in short is that the informant of the case got a secret information regarding the illegal transportation of stone chips and for the same he along with



other police officials had conducted a raid and caught a Scorpio vehicle in which four persons were sitting, who after seeing the police tried to fled away.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case only because of the fact that he is the owner of the vehicle.

5. Learned counsel for the petitioner further submits that the allegation against the petitioner is completely false as on one hand the police arrested the driver of the alleged vehicle namely Chandan Pandit and on the other hand the police also admits that they have seen Chandan Pandit driving another vehicle and from that vehicle he fled away.

6. Learned counsel for the petitioner further submits that this FIR has been registered by mistake and therefore the same may be quashed as the I.O. of the Sahar Police Station has reported that the driver of the petitioner namely Chandan Pandit, has already been arrested and made accused in Dehri (T) P.S. Case No. 327 of 2017 which is prior to the present case.

7. Heard learned counsel for the State Shri Virendra Prasad, who opposed the prayer of the petitioner.

8. I have perused the case diary and the materials available on record.



9. From reading of the FIR, it appears that the prosecution of the petitioner in the present case is nothing but an abuse of the process of the Court as it is clear that the driver of the petitioner was already arrested in Dehri Town P.S. Case No. 327 of 2017.

10. In view of the above, this application is allowed.

11. Accordingly, the FIR bearing Dehri Nagar P.S. Case 328 of 2017 and all criminal proceedings arising out of the aforesaid FIR is hereby quashed with regard to the petitioner only in the interest of justice.

(Sandeep Kumar, J)

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