

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14235 of 2023

Arising Out of PS. Case No.-106 Year-2020 Thana- GOVERNMENT OFFICIAL COMP.
District- Khagaria

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AMRIT YADAV Son of Rampukar Yadav Resident of Village - Arariya, P.S.-
Parbatta (Maraiya O.P.), District - Khagaria

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bishweshwar Ram
For the Opposite Party/s : Mr. Suresh Prasad Singh

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CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

2 16-03-2023 Heard the parties.

This is an application filed on behalf of the petitioner for quashing the order dated 19.12.2022 passed by the Special Judge, Exclusive Excise Court No. II, Khagaria in connection with Excise Case No. 106C3 of 2020 by which the learned Court has rejected the discharge application by a detailed and reasoned order.

The Court below has found enough materials to connect the petitioner with the alleged crime.

The Hon'ble Supreme Court in the case of *State of Bihar vs Ramesh Singh 1977 SCC 4 39* and *R. Soundirarasu vs State of Karnataka through D.S.P. 2022 4 PLJR 4 SC*, has held that at the time of framing of charge the trial Court has to



examine as to whether strong prima facie case is made-out against the accused.

Considering the facts as mentioned above, and the law laid down by the Hon'ble Supreme Court in the case of *State of Bihar vs Ramesh Singh (Supra)* and *R. Soundirarasu vs State of Karnataka through D.S.P. (Supra)*, this application is dismissed.

(Sandeep Kumar, J)

Vikas/Shishir

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