

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13711 of 2017**

Arising Out of PS. Case No.-43 Year-2016 Thana- GOVERNMENT OFFICIAL COMP.
District- Rohtas

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Pankaj Kumar Son of Brij Kishore Singh Resident of Mohalla-Mohadiganj,
Police Station-Sasaram Muffasil, District-Rohtas At Present C/O Vinay
Kumar Singh, Resident of Mohalla-Lodipur, P.s.-Pirbahore, District-Patna.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Rajani Kant Singh

For the Opposite Party/s : Mr.Sri Rajesh Kumar

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CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

3 17-08-2023 Heard learned counsel for the petitioner and learned

APP for the State who has opposed the prayer for quashing.

2. This application has been filed for quashing the order dated 12.01.2017 by which learned Sessions Judge has been pleased to dismiss the Cr. Revision No. 307 of 2016 filed by the petitioner and confirmed the order dated 18.08.2016 passed by learned S.D.J.M., Dehri, District- Rohtas in Excise Case No. 43 of 2016 by which cognizance has been taken against the petitioner and others under Section 47(a) of the Bihar Excise Amendment Act, 2016.

3. As per prosecution case, S.I., Dehri circle received secret information that illegal foreign liquor is brought by three accused by Tat Indica car bearing Registration No. BR-



01PA/5618 from Jharkhand to Dehri. It is further alleged that with the help of Dehri Police Station intercepted the Car and three persons were caught on the spot who disclosed his name Rajesh Kumar. It is further alleged that in presence of two independent witness the car was searched in which 84 bottles of foreign liquor was found. On the basis of prosecution report of the informant Excise Case No. 43 of 2016 was registered.

4. The petitioner has not been named in the prosecution report and there is no iota of evidence on the record against the petitioner. It is further stated that petitioner is an employee of ONGC Limited and presently he is holding the post of Assistant Ex. Engineer which is evident from the identity card issued by Government of India Enterprise. The occurrence is said to have taken place on 24.07.2016 but the seized vehicle has already been sold by the petitioner much prior to the occurrence i.e. on 29.12.2015 to one Sanjay Kumar having received Rs. 1,50,000/-.

5. It is an admitted position that the petitioner had sold the car to one Sanjay Kumar and formalities were done except for transfer of the vehicle in the RC in the name of Sanjay Kumar. Sanjay Kumar, the purchaser, had sworn the affidavit that the vehicle belongs to him and he had purchased



the same from the petitioner.

6. In this circumstances, the prosecution of the petitioner who is responsible person cannot be continue.

7. This application is allowed.

8. The order dated 12.01.2017 by which cognizance has been taken against the petitioner and others in Cr. Revision No. 307 of 2016, Excise Case No. 43 of 2016 is hereby quashed with respect to the petitioner.

9. The prosecution of other co-accused shall continue.

(Sandeep Kumar, J)

Ranjeet/-

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