

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18697 of 2023

Arising Out of PS. Case No.-369 Year-2022 Thana- DARIYAPUR District- Saran

Rajesh Kumar Dalmiya @ Rajesh Kumar @ Rajesh S/O Late Kishori Lal R/O
Village- Dudahi (Dudhi), P.S- Vishunpura, District- Kushinagar, Uttar Pradesh

... .. Petitioner/s

Versus

1. The State of Bihar
2. Ratnesh Kumar Verma S/O Not known (Informant of the case) presently posted as the Station House Officer, Dariyapur P.S- District- Saran at Chapra

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dewendra Narayan Singh

For the Opposite Party/s : Mr.Dashrath Mehta

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 19-09-2023 1. Heard learned counsel for the petitioner and learned A.P.P. for the State.

2. The learned counsel for the petitioner, after some argument, seeks permission to withdraw the present quashing application with a liberty to the petitioner to raise all the issues at the time of framing of charge as it has been submitted that petitioner was not arrested at the spot and nothing was recovered from his conscious possession and he came to be implicated during the course of investigation on the ground that he is an associates of a dealer in Uttar Pradesh. It is further submitted that even the police investigated mechanically and merely based on the information proceeded against the



petitioner. It is further submitted that in cases relating to excise Act, the police is acting arbitrarily in order to please their bosses, but then, the learned counsel fairly submits that he is aware of his limitation in making his submission at the stage of cognizance, but then, at the stage of discharge, the Court has wider jurisdiction to examine all the relevant documents to arrive at a conclusion whether the trial of the accused is warranted or not.

3. Permission is accorded.

4. Accordingly, instant petition is dismissed as withdrawn with the liberty aforesaid.

(Satyavrat Verma, J)

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