

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21481 of 2023**

Arising Out of PS. Case No.-58 Year-2018 Thana- NOORSARAI District- Nalanda

Sanjay Kumar, Son of Late Kanhai Sao, Resident of Village - Noorsarai, P.S.-
Noorsarai, District - Nalanda.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Binit Kumar, Advocate

For the Opposite Party/s : Mr. Chandra Bhushan Prasad, APP

**CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN
SINGH**

ORAL ORDER

2 16-10-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor.

2. The petitioner has invoked extra-ordinary jurisdiction under Section 482 of the CrPC for quashing of an order passed more than four years ago on 06.04.2019, by the learned Special Judge Excise-cum-Additional Sessions Judge-III, Nalanda, whereby charges have been framed against the petitioner for commission of offence punishable under Section 30(a) of the Excise Act.

3. Learned counsel appearing on behalf of the petitioner has submitted that even if the contents of the FIR and other materials on record are treated to be correct on their face value, no offence can be said to have been made out punishable

under Section 30 (a) of the Excise Act.

4. I am not inclined to interfere with the impugned order of framing charge, at this stage, after having seen the First Information Report, contents of which do constitute commission of offence punishable under the provisions of the Excise Act and other provisions. The plea that no case is made out of commission of offence punishable under Section 30 (a) of the Excise Act can be taken by the petitioner at the stage of trial.

5. I am not inclined to exercise jurisdiction under Section 482 of the CrPC in the present matter. It is made clear that no observation made in the present order shall prejudice the petitioner's case at the trial.

6. This application is accordingly dismissed with the observation as noted above.

(Chakradhari Sharan Singh, J)

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