

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.407 of 2022

Arising Out of PS. Case No.-417 Year-2020 Thana- SASARAM NAGAR District- Rohtas

Pawan Kumar @ Pawan Kumar Jhunjhunwala S/o Girdhari Lal Resident of
Barahapathar, P.S.- Dehri-on-sona, Distt.- Rohtas.

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Home Department
Government of Bihar, Patna.
2. The Director General of Police, Govt. of Bihar, Patna.
3. The Inspector of General (Sahabad Range) Dehari-On-Sone.
4. The Superintendent of Police, Rohtas (Sasaram).
5. The Sub Divisional Police Officer, Sasaram Town, Distt.- Rohtas.
6. The Station House Officer, Sasaram Town Police Station, District- Rohtas.

... .. Respondent/s

with

Criminal Writ Jurisdiction Case No. 464 of 2022

Arising Out of PS. Case No.-733 Year-2020 Thana- DEHRI TOWN District- Rohtas

Pawan Kumar @ Pawan Kumar Jhunjhunwala Son of Girdhari Lal, R/o-
Barahapathar P.S.- Dehri- On- Sone Dist.- Rohtas.

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Home Department,
Government of Bihar, Patna.
2. The Director General of Police, Govt. of Bihar, Patna.
3. The Inspector of General (Sahabad Range) Dehri-On-Sone,
4. The Superintendent of Police, Rohtas (Sasaram).
5. The Sub Divisional Police Officer, Dehri-On-Sone, Dist. Rohtas.
6. The Station House Officer, Dehari Town Police Station, District Rohtas.

... .. Respondent/s

with

Criminal Writ Jurisdiction Case No. 468 of 2022

Arising Out of PS. Case No.-928 Year-2019 Thana- DEHRI TOWN District- Rohtas

Pawan Kumar @ Pawan Kumar Jhunjhunwala S/o Girdhari Lal, Resident of
Barahapathar, P.S.- Dehri On- Sone, Dist- Rohtas.

... .. Petitioner/s

Versus

1. The State of Bihar through Principle Secretary, Home Department
Government of Bihar, Patna.
2. The Director General of Police, Govt. of Bihar, Patna.



3. The Inspector General (Sahabad Range) Dehari-On- Sone.
 4. The Superintendent of Police, Rohtas (Sasram).
 5. The Sub Divisional Police Officer, Dehari- On- Sone, Dist- Rohtas.
 6. The Station House Officer, Dehari Town Police Station, District- Rohtas.
- Respondent/s

Appearance :

(In Criminal Writ Jurisdiction Case No. 407 of 2022)

For the Petitioner/s : Mr. Ranjeet Patel, Adv.

For the Respondent/s : Mr. M. Nasrul Huda Khan, Adv.

(In Criminal Writ Jurisdiction Case No. 464 of 2022)

For the Petitioner/s : Mr. Ranjeet Patel, Adv.

For the Respondent/s : Mr. M. Nasrul Huda Khan, Adv.

(In Criminal Writ Jurisdiction Case No. 468 of 2022)

For the Petitioner/s : Mr. Ranjeet Patel, Adv.

For the Respondent/s : Mr. Sheo Shankar Prasad, Adv.

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 26-04-2023 Heard learned counsel for the petitioner and learned
counsel for the State.

In all the three cases, the petitioner is same and with almost similar allegation three cases bearing Sasaram Town P.S. Case No. 417 of 2020 registered under Section 420, 419, 467, 471, 120(B) of the Indian Penal Code read with Section 3 of Bihar Ban on Lottery Act, 1993 and Section 11 of Bihar Bengal Gambling Act, 1867, Dehari Town P.S. Case No. 733 of 2020 registered under Section 420, 419, 467, 471, 120(B) of the Indian Penal Code read with Section 3/4 of Bihar Ban on Lottery Act, 1993 and Section 11 of Bihar Bengal Gambling Act, 1867 and Dehari Town P.S. Case No. 928 of 2019 registered under Section 420, 419, 467, 471, 120(B) of the Indian Penal Code read with Section 3 of Bihar Ban on Lottery



Act, 1993 and Section 11 of Bihar Bengal Gambling Act, 1867, therefore, on the request of counsel for the petitioner this Court is deciding all the three cases together.

Learned counsel for the petitioner fairly submits that as per allegation, the investigation requires but the base allegation is relating to Section 3/4 of Bihar Ban on Lottery Act, 1993 and Section 11 of Bihar Bengal Gambling Act, 1867. He further submits that since the Bihar Ban on Lottery Act, 1993 has already been repealed by the Hon'ble Division Bench of this Court in the case of *M/s Iqbal Chand Khurna and others Vs. State of Bihar and others* reported in *1994 (1) PLJR 554* and considering that judgment one criminal writ bearing *Criminal Writ No. 401 of 2013 (Ramashray Yadav and others Vs. State of Bihar)* has been decided. Learned counsel also submits that this case has been filed on the basis of a law which has already been declared as ultra vires to the Constitution of India because so far as the lotteries organized by the Central Government or any other State Government is concerned, as it lacks legislative competency to that extent.

In this view of the matter, petitioner is directed to file representation in all the three cases before the Superintendent of Police, Rohtas in the light of order passed in the case of



Surendra Singh Vs. State of Bihar and others on 09.09.2022 in
Cr. W.J.C. No. 153 of 2017 with analogous cases within four
weeks from the date of passing of this order.

The Superintendent of Police, Rohtas is directed to
pass appropriate order in the light of order passed in the case of
Surendra Singh Vs. State of Bihar and others on 09.09.2022 in
Cr. W.J.C. No. 153 of 2017 with analogous cases within six
weeks from the date of receiving of representation of petitioner.

Till submission of final report under Section 173 (2)
of Cr.P.C. no coercive step shall be taken against the petitioner
in connection with Sasaram Town P.S. Case No. 417 of 2020,
Dehari Town P.S. Case No. 733 of 2020 and Dehari Town P.S.
Case No. 928 of 2019.

With the aforesaid direction, the present Cr. Writ
Petition is hereby disposed off.

(Dr. Anshuman, J.)

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