

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20191 of 2023

Arising Out of PS. Case No.-856 Year-2020 Thana- NAWADA District- Nawada

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RANJEET KUMAR, S/o- KARU YADAV, R/o Village- Chilongia PS-
Kadirganj Dist- Nawada

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Amresh Kumar Sinha, Advocate

For the Opposite Party/s : Mr. Rajesh Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

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

2. This application has been filed under Section 482 of the CrPC for quashing an order dated 07.09.2022, passed by learned Exclusive Special Judge-1st, Nawada in Nawada P.S. Case No. 856 of 2020, whereby the petitioner's application for discharge under Section 227 of the CrPC has been rejected.

3. The petitioner is an accused in a case relating to recovery of huge quantity of illicit liquor from his possession. The police upon completion of investigation submitted chargesheet whereafter cognizance was taken. The petitioner made an application before the learned Special Court for his discharge under Section 227 of the CrPC. Learned trial court,

after having examined the materials on record, declined to accede to the petitioner's prayer for his discharge under Section 227 of the CrPC.

4. After having seen the First Information Report, the chargesheet and the FIR, it appears that it cannot be said at this stage that the petitioner ought to have been discharged before framing of the charge itself, there being allegation of recovery of huge quantity of illicit liquor. Further, from the impugned order, it appears that the petitioner had attempted to convince the court by bringing on record certain facts in support of his application for discharge under Section 227 of the CrPC. The trial court has recorded that the disputed questions of fact cannot be decided at the stage of Section 227 of the CrPC.

5. I do not find any legal infirmity in the impugned order passed by the court below.

6. This application has no merit and is accordingly dismissed.

(Chakradhari Sharan Singh, J)

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