

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.581 of 2022

Arising Out of PS. Case No.-73 Year-2022 Thana- BARAULI District- Gopalganj

RAJAN KUMAR S/o Chandrashekhar Prasad R/o village- Madhopur, P.S.-
Barauli, District- Gopalganj

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Home Department, Government of Bihar, Patna Bihar
2. The Director General of Police, Government of Bihar, Patna Bihar
3. The Additional Chief Secretary, Dept of Prohibition and excise Department, Govt. of Bihar, Patna Bihar
4. The Superintendent of Police, Gopalganj Bihar
5. The Sub Divisional Police Officer, Gopalganj, Sadar Bihar
6. The Sub Divisional Police Officer, Gopalganj, Sadar, District- Gopalganj Bihar
7. The S.H.O., Barauli Police Station, Bzarauli, District- Gopalganj Bihar
8. The S.H.O., Madhopur O.P., District Gopalganj Bihar
9. Sunil Kumar, Assistant Sub Inspector of Police, Madhopur O.P., District- Gopalganj Bihar
10. Soni Devi W/o Triloki Sah R/o Village- Madhopur, P.S.- Barauli, District- Gopalganj
11. Roshan Kumar S/o Triloki Sah R/o village- Madhopur, P.S.- Barauli, District- Gopalganj
12. Raj Kumar S/o Triloki Sah R/o village- Madhopur, P.S.- Barauli, District- Gopalganj

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Ravindra Nath Dubey, Adv.

For the Respondent/s : Mr. Prabhat Kumar Verma, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 27-03-2023 Heard learned counsel for the petitioner and learned
counsel for the State.

This present Cr. Writ Application has been filed
against the respondent officials especially Respondent No.8 and
9 with an allegation that the said respondent is misguiding the
investigation.

Counsel submits that the petitioner has made complaint in Excise Control, Patna being Complaint No. ET0097383 and on his complaint, the present F.I.R. has been lodged. His complaint no. has been mentioned in the fardbeyan, counsel submits that the sell of wine is going on in the said locality in connivance with the local associates (Respondent No.8) who upon receiving this information that petitioner has lodged a complain and filed this case against the petitioner and his brother. Therefore, he has apprehension that the conduction of this investigation shall not take place honestly.

Counsel for the State submits that he has no objection if this matter is referred to the high official of the Excise Department.

The petitioner is directed to submits his representation before the high official of the excise, not below the rank of S.P. at Headquarter, Patna who shall look into the matter and decide his report in the light of order passed in *Surendra Singh Vs. State of Bihar & Ors.* in *Cr. WJC No.153 of 2017* with analogous cases decided on 09.09.2022.

With this observation, this Cr. Writ Application stands disposed of.

(Dr. Anshuman, J.)

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