

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5397 of 2018

Arising Out of PS. Case No.-416 Year-2016 Thana- FATUA District- Patna

Nandu Kumar S/o Late Karu Saw, R/o Purani Bazar, P.S.- Bakthiyarpur,
District- Patna.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajeev Ranjan

For the Opposite Party/s : Mr. Sakir Ahmad

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

4 29-03-2023 Heard the parties.

This application has been filed for quashing of FIR of Fatuha P.S. Case No. 416 of 2016 dated 29.10.2016 on the basis of written application of Police Inspector-cum-S.H.O. of Fatuha P.S. under sections 30, 37 and 38 of Bihar Excise Amendment Act, 2016 which is pending in the Court of learned Spl. Judge Excise-cum-ADJ-8th, Patna.

Pursuant to the order dated 22.03.2023, the S.H.O of Fatuha Police Station along with Investigating Officer is present. They are directed to make further investigation in the matter and find out the real truth as to whether the petitioner is involved in the alleged crime or not. Merely because he is the owner of the godown will not fasten guilt upon him. The police will try to catch the main accused namely Munna Ji @ Kavi Ji



and thereafter they will submit the final chargesheet.

Until and unless the investigation is finally completed, the trial of the petitioner will not commence. The trial of the petitioner can only commence only after the final chargesheet against all the accused persons after proper investigation is submitted. After submission of final chargesheet, the petitioner, if charge-sheeted finally, may file for discharge.

In case the police finds that the petitioner is innocent, they can file final form in favour of the petitioner.

The personal appearance of the S.H.O of Fatuha Police Station along with Investigating Officer is dispensed with.

With the aforesaid observation and direction, this application is disposed of.

(Sandeep Kumar, J)

Shishir/Vikas

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