

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.2164 of 2017

Arising Out of PS. Case No.-5 Year-2017 Thana- DEO District- Aurangabad

Abhijit Choudhary

... .. Petitioner/s

Versus

The State Of Bihar, Through The Principal Secretary, Department Of Excise
police, Government Of Bi

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Ranjan Kumar Jha
For the Respondent/s : Mr. Anil Kumar Sinha GA 1

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

5 20-02-2023 Heard the parties.

This application has been filed on behalf of the
petitioner for quashing of the FIR of Deb P.S. Case No. 05 of
2017.

Learned counsel for the petitioner submits that there is
no material which have come during investigation to connect
the petitioner, even remotely, with the crime and he is being
prosecuted in this case only because he is the registered owner
of the vehicle.

He further submits that before the alleged crime the
petitioner has transferred the vehicle to one Kurban Khan on
30.05.2016 and for transferring, documentation was done and he
had obtained an N.O.C. for the transfer of vehicle in the name of



Kurban Khan.

These facts are not denied by the learned counsel for the State. His only submission is that the petitioner is the registered owner of the vehicle in the present case and for this reason he is wanted in this case.

Learned counsel for the petitioner further submits that the petitioner has already taken anticipatory bail in the case.

Considering the aforesaid, it appears that there is no complicity of the petitioner in the present case.

Accordingly, this application is allowed. The prosecution of the petitioner is set aside in connection with Deb P.S. Case No. 05 of 2017.

(Sandeep Kumar, J)

Shishir/Vikas

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