

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.1224 of 2017

Arising Out of PS. Case No.-184 Year-2017 Thana- BARAUNI District- Begusarai

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Pramod Kumar Singh Son of Late Kailash Singh Resident of Village- Bihat,
Tola Masnadpur, P.S. Barauni, District Begusarai.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Secretary Department of Prohibition and Excise, Govt. of Bihar, Patna.
3. Secretary Department of Home Police, Govt. of Bihar, Patna.
4. District Magistrate, Begusarai.
5. Superintendent of Police, Begusarai.
6. Officer In Charge, Barauni FCI Police Station, District Begusarai.
7. Investigating Officer of Barauni P.S. Case No. 184 of 2017, District- Begusarai.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Ravi Ranjan, Advocate
For the Respondent/s : Mr.Kumar Manish SC-5

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CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

4 21-03-2023 Heard learned counsel for the petitioner and learned
APP for the State.

Pursuant to the last order, the Officer-Incharge,
Barauni(FCI), Begusarai is personally present in this Court
along with the case diary which is taken on record.

This application has been filed for quashing F.I.R.
vide Barauni (FCI) P.S. Case No. 184 of 2017 passed by learned
Addl. District & Sessions Judge-VII, Begusarai against the
petitioner for the offences under Section 188 of the Indian Penal
Code and Section 30(a), 37(a), 37(d) of the Bihar Prohibition
and Excise Act 2016.



Mr. Kumar Manish SC5, learned counsel for the State submits that in this case Final Form has been submitted by the police and therefore, this quashing petition has become infructuous.

By order dated 06.09.2017, further proceedings of the court below were stayed. It may happen though the Final Form has been submitted by the police. But because of the stay order, the court below has not passed any order excepting the Final Form and the stay order with regard to the petitioner is vacated.

The learned Magistrate, Begusarai is directed to pass an order either accepting the Final Form or differing with him in accordance with law. If any such prejudicial order is passed by the court below, the petitioner will have liberty to challenge the same.

Personal appearance of the Officer-Incharge, Barauni(FCI), Begusarai is dispensed with.

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

(Sandeep Kumar, J)

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