

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.294 of 2021

Arising Out of PS. Case No.-359 Year-2019 Thana- TRIVENIGANJ District- Supaul

Santosh Kumar S/O Late Brij Nandan Sinha Resident Of Village- Lalpatti
Ward No 16, Ps- Triveni Ganj District- Supaul

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Deptt. of Home, Govt. of Bihar, Patna. Bihar
2. The Superintendent of Police, Supaul
3. The Deputy Superintendent of Police, Supaul
4. The Officer Incharge, P.S-Triveniganj, District-Supaul
5. The Investigating Officer, Triveniganj, P.S Case No.359 of 2019, P.S-Triveniganj, District-Supaul
6. Binay Kumar Singh, Assistant Sub Inspector, P.S-Triveniganj, District-Supaul

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Shyameshwar Kumar Singh, Adv.
For the Respondent/s	:	Mr. Deepak Kumar, AC to G.P. 4

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL JUDGMENT

Date : 22-03-2023

Heard learned counsel for the petitioner and
counsel for the State.

The petitioner has preferred this application for
quashing of F.I.R. in connection with Triveniganj P.S. Case No.
359 of 2019 lodged under Section 30(a) of Bihar Prohibition
and Excise Act, 2016.

Counsel for the petitioner submits that after reading
the F.I.R., no offence has made out under Section 30(a) of Bihar
Prohibition and Excise Act, 2016 against him.

Counsel submits that from the content of F.I.R., it is crystal clear that the alleged wine has not been recovered from the petitioner's house or his possession rather it has been recovered from the house of one Om Prakash Singh.

Counsel submits that it is the petitioner who has played the role of informer in this case and intimated to the police about use of wine by the villagers. The police has made accused to the petitioner in this case who has informed to the police about use of wine by the co-villager.

Counsel submits that specific plea is that there is no ingredient under Section 30(a) of Bihar Prohibition and Excise Act, 2016 due to two reasons. The first is that nothing was recovered from his possession and second, it is petitioner who informed to the police about use of wine by the persons and upon his disclosure, the F.I.R. has been lodged.

Counsel for the State submits that some time people used to do the act intentionally, with a view to malign the image of any one.

After going through the content of F.I.R. as well as the argument made on behalf of parties, I am of the view that upon reading the F.I.R., there is basically no ingredient of Section 30(a) of Bihar Prohibition and Excise Act, 2016 against

the present petitioner in the F.I.R. As such, the said F.I.R. bearing Triveniganj P.S. Case No. 359 of 2019 is hereby quashed.

With this observation, this Cr. Writ is hereby disposed of.

(Dr. Anshuman, J.)

prakashmani/-

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	