

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.245 of 2021

Arising Out of PS. Case No.-82 Year-2020 Thana- SIWAN GRP CASE District- Siwan

MANISH KUMAR SONI S/O DHANU LAL SONI RESIDENT OF 27 JAY
PRAKASH BHAWAN ANDER DHALA LAXMIPUR P.S. SIWAN TOWN,
DISTRICT-SIWAN.

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR THROUGH THE PRINCIPAL SECRETARY,
HOME DEPTT. BIHAR, PATNA. BIHAR
2. THAT THE INSPECTOR GENERAL, RAIL POLICE, BIHAR, PATNA.
PATNA.
3. THE SUPERINTENDENT OF POLICE, RAIL DISTRICT-
MUZAFFARPUR, BIHAR. BIHAR
4. THE S.H.O., RAIL POLICE STATION, SIWAN. SIWAN.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Rakesh Mohan Singh
For the Respondent/s : Mr. Md. Harun Quareshi, AC to SC 1

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 21-06-2023 Heard learned counsel for the parties concerned.

The petitioner has filed the present application for quashing of the First Information Report of Siwan Rail Police Station Case No. 82 of 2020, registered for the offence punishable under Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

Learned Counsel for the petitioner submits that the petitioner is an army personnel, posted at New Delhi, and on the date of occurrence, he was travelling in Vaishali Express and when the train was standing at Siwan Railway Station, the



police arrived and recovered three bottles of whisky from the possession of the petitioner, which was purchased by him against the quota allotted to him by the Union of India. He further submits that the petitioner was entitled to carry three bottles of liquor on the basis of quota allotted to him under his service condition and as such, no offence is made out against the petitioner upon reading of the First Information Report.

On the other hand, learned Counsel for the State submits that under Section 13 of the Act, the storage of liquor is prohibited in the territory of the State of Bihar and the raid was conducted by the police while the train was standing at Siwan Railway Station, i.e. within the territory of the State of Bihar and as such, offence is made out against the petitioner under Section 30 (a) of the Act.

Taking into consideration the fact that three bottles of whisky was found in possession of the petitioner while the train was standing at Siwan Railway Station and the petitioner has failed to show any legal provision under the law or any other law that he was entitled to have possession of liquor allotted to him under the quota granted by the Union of India. Accordingly, in my opinion, the petitioner has failed to make out any case for quashing of the First Information Report.



This application is, accordingly, dismissed.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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