

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.1235 of 2022

Arising Out of PS. Case No.-148 Year-2021 Thana- DEEPNAGAR District- Nalanda

Sameer Gupta Son Of Surendra Gupta Resident Of Mohalla- Flat No. 14,
Kaveri Apartment, Bandar Bagicha, Exhibition Road, P.S.- Kotwali, District-
Patna.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. The Principal Secretary, Department of Home, Government of Bihar, Patna.
3. The Director General of Police, Bihar, Patna.
4. The Superintendent of Police, Nalanda.
5. The Station House Officer, Deepnagar Police Station, Nalanda.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Pankaj Kumar Jha, Adv.
For the Respondent/s	:	Mr. Sheo Shankar Prasad, Adv.

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 04-05-2023 Heard learned counsel for the petitioner and learned
counsel for the State.

Counsel for the petitioner submits that the present Cr.

Writ application has been filed for the following reliefs:

i. For issuance of an appropriate
writ/order(s)/direction(s) in the nature of Certiorari for quashing
of F.I.R. bearing Deepnagar P.S. Case No. 148 of 2021 dated
11.05.2021 under Sections 279, 337, 338 of the I.P.C., as well
as, Section 30(a) of the Bihar Prohibition and Excise Act, 2018.

ii. For issuance of an appropriate
writ/order(s)/direction(s) in the nature of Certiorari for quashing
of entire Proceeding against the petitioner in Deepnagar P.S.

Case No. 148 of 2021 dated 11.08.2021.

iii. For issuance of an appropriate writ/order(s)/direction(s) for restraining the respondents from proceeding with any investigation against the petitioner in view of the fact that the registration of the F.I.R. itself is patently illegal as the content of the F.I.R.

iv. For issuance of an appropriate writ/order(s)/direction(s) for directing the respondents to not take any coercive action against the petitioner in connection with Deepnagar P.S. Case No. 148 of 2021, which is pending before the Court of Learned Exclusive Special Judge Excise-02, Nalanda.

v. For any other relief(s) for which the petitioner may be found to be entitled to the present facts and circumstances of the case.

Counsel for the petitioner submits that the present petitioner is neither owner nor driver of the CRV car, rather he is the Director of the Company, under whose banner the CRV car used to run.

Counsel for the petitioner submits that petitioner is innocent and having different documents in this regard.

Counsel for the State submits that the matter is related

to the Bihar Prohibition and Excise Act, 2018. The recovery has been made from the alleged vehicle, which was running under the ultimate supervision of the petitioner.

Upon going through the above facts and circumstances, this Court is of the view that the petitioner, who said to be the Director of the Company, which is working under legal provision, therefore, shall represent the entire matter before the Superintendent of Police, Nalanda within four weeks and the Superintendent of Police, Nalanda upon hearing the parties, shall take appropriate decision in the light of representation made by the above said case i.e. ***Surendra Singh Vs. State of Bihar & Ors.*** passed in ***Cr. W.J.C. No. 153 of 2017*** with analogous cases, with regard to the reliefs.

With the aforesaid direction, this Cr. Writ petition is hereby disposed off.

In the meantime, no coercive action shall be taken against the petitioner till filing of the final report under Section 173(2) of the Code of Criminal Procedure in connection with Deepnagar P.S. Case No. 148 of 2021.

(Dr. Anshuman, J.)

Ashishsingh/-

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