

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.1374 of 2022

Arising Out of PS. Case No.-49 Year-2022 Thana- HARNAUT District- Nalanda

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Ram Naresh Singh S/o Late Ram Lagan Singh R/o Vill- Mogalpura,
Lakhanpura, P.S.- Bakhtiyarpur, Distt- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through The Principal Secretary, Department of Home, Bihar, Patna Bihar
2. The Director General of Police, Bihar, Patna Bihar
3. The D.I.G., Prohibition and Excise, Bihar, Patna Bihar
4. The Superintendent of Police, Nalanda (at Biharsharif) Bihar
5. The Dy. Superintendent of Police, Sadar, Biharsharif (Nalanda) Bihar
6. The Police Inspector, Noorsarai Circle, District- Nalanda Bihar
7. The SHO, Harnaut Police Station, District- Nalanda Bihar

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Sidhendra Narayan Singh, Adv.
For the Respondent/s : Mr. Sheo Shankar Prasad, APP

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 29-03-2023 Heard learned counsel for the petitioner and learned
counsel for the State.

The present Cr. Writ Application has been filed for
issuance of appropriate direction to the I.O. in connection with
Harnaut (Kalyan Bigha O.P.) P.S. Case No. 49 of 2022 lodged
under section 30(a) of Bihar Prohibition and Excise Amendment
Act, 2018 by which respondent may be directed to ensure fair
investigation in the light of representation contained in
Annexure-5 series and also with a prayer that respondent may

not take any coercive action against him.

Learned counsel for the petitioner submits that in the said occurrence, a motorcycle bearing registration No. BR- 1AE 9155, Chassis No. 07A16F26254 and Engine No. 07A15E22309 has been involved from which 15 litre desi wine was recovered. Counsel for petitioner submits that petitioner's son Arvind Kumar under whose name, the said motorcycle was purchased, had sold the said motorcycle to Chandan Kumar son of Nawal Singh on 27.03.2019 followed by sale letter duly not raised on 27.03.2019 with e-Court fee Rs.100/-.

It has been specifically mentioned that the said owner Arvind Kumar has duly signed on the transfer paper i.e. Form- 29 and 30 under the Motor Vehicle Act for getting it transfer in the name of Chandan Kumar. He has also hand over the R.C. Book where the entries of transfer used to enter. It is the contention of the petitioner's counsel that all original papers with affidavits as well as actual physical possession of the said motorcycle has been given to the said purchaser Chandan Kumar who is accused of this case on the day of said sale i.e. on 27.03.2019 itself.

Counsel submits that the said Arvind Kumar who is son of the petitioner, is a student having no criminal antecedent

save and except present one in which he has been figured by virtue of owner of the motorcycle. Counsel submits that a direction may be given that the materials which he has placed there before this court shall be considered by the I.O/High Officials if charge-sheet has been filed/ not filed.

Counsel for State submits that it is one of the case in which the decision of Surendra Singh Vs. State of Bihar in Cr. WJC No.153 of 2017 decided on 09.09.2022 shall apply.

In this view of the matter, this court is directing to the Superintendent of Police, Nalanda to take action in the light of Surendra Singh Case and the documents which the petitioner has placed before this court and take decision within 6 weeks from the date of filing of representation.

With this direction, this application is disposed of and till taking decision, no coercive action shall be taken against the petitioner.

(Dr. Anshuman, J.)

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