

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.1415 of 2022

Arising Out of PS. Case No.-90 Year-2022 Thana- BEUR District- Patna

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1. MADHURI SINHA @ MADHURI KUMARI WIFE OF SUNIL KUMAR SINGH R/O VILL.- HULLUKPUR, P.S.- BEUR, DISTT.- PATNA
 2. SUNIL SINGH @ SUNIL KUMAR SINGH SON OF LATE MITHALA SHARAN SINGH R/O VILL.- HULLUKPUR, P.S.- BEUR, DISTT.- PATNA
- ... Petitioners

Versus

1. THE STATE OF BIHAR, THROUGH THE ADDITIONAL CHIEF SECRETARY CUM REVISIONAL AUTHORITY BIHAR PROHIBITION AND EXCISE DEPARTMENT, GOVT. OF BIHAR, VIKASH BHAWAN, PATNA
 2. THE DISTRICT MAGISTRATE CUM CONFISCATING AUTHORITY, PATNA
 3. THE SENIOR SUPERINTENDENT OF POLICE, PATNA
 4. THE S.H.O., BEUR, PATNA
- ... Respondents

Appearance :

For the Petitioners : Mr.Babu Nandan Prasad, Adv.
For the Respondents : Mr.Manish Kumar, GP IV

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

3 10-05-2023 Counsel for the petitioners and State are present.

The present application has been filed by the petitioners for quashing of the first information report bearing Beur P.S. Case No. 90 of 2022, dated 25.02.2022, lodged under Sections 30(a), 36, 41 and 44 of the Bihar Prohibition and Excise Act.

Counsel has also demanded further relief that final form against petitioners 1 and 2 arising out of the said case is directed to be submitted.

Counsel for the petitioners submits that the first



information report is bad due to the reason that seizure list has been prepared earlier and first information report has been lodged later. His second point is that the said house belongs to Madhuri Sinha (petitioner no. 1), but, the name of Sunil Singh (petitioner no. 2) has been involved unnecessarily by the police in this case. The third point, which has been raised by the counsel for the petitioners is that the case has been registered on 25.02.2022, but, the copy of the first information report has been received in the office of the Special Judge, Excise, Patna, on 02.03.2022. On these grounds counsel submits that the first information report should be quashed.

Counsel for the State submits that first information report has been lodged, investigation has been completed and charge sheet has already been filed against both the petitioners. He further submits that from the seizure list and the first information report it shall transpire that both, seizure and first information report, has been done on the same date, i.e., on 25.02.2022. Counsel further submits that the delay in receiving of case before the Special Judge, Excise, Patna, is not due to late production rather it is due to huge number of cases filed before the Court and due to huge filing, the first information report was in queue and receiving has been provided after few days.



Upon going through the arguments of the parties and going through the documents, it transpires to this Court that date of seizure and date of lodging of first information report is identical, only time defers. The time shown on seizure list is 07.30 p.m. whereas first information report is at 06.30 p.m. In this regard, the trial Court, at the time of adducing evidence, shall make scrutiny. In the writ Court, this Court is not supposed to enter into the factual matrix of case. So far the allegation in the first information report is concerned, upon reading of the first information report, it transpires to this Court that offence is made out and, therefore, this Court is not inclined to grant any relief.

With this observations, this writ petition is **dismissed**.

(Dr. Anshuman, J)

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