

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.1368 of 2017

Arising Out of PS. Case No.-46 Year-2017 Thana- BHANGWANPUR HAT District- Siwan

Sanchay Bhardwaj @ Sonu Singh, son of Sri Harendra Singh, Resident of
village and P.O. Basaw, P.S. Basantpur, District – Siwan.

... .. Petitioner

Versus

1. The State of Bihar through the Director General of Police, Bihar, Patna
2. The Superintendent of Police, Siwan, District - Siwan.
3. The Station Head Officer, Bhagwanpur Hat Police Station, District - Siwan.
4. The Principal Secretary, Deptt. of Excise, Govt. of Bihar, Patna.

... .. Respondents

with

Criminal Writ Jurisdiction Case No. 634 of 2017

Arising Out of PS. Case No.-46 Year-2017 Thana- BHANGWANPUR HAT District- Siwan

Sanchay Bhardwaj @ Sonu Singh Son of Sri Harendra Singh, Resident of
Village- and P.O.-Basaw, P.S.- Basantpur, District- Siwan.

... .. Petitioner

Versus

1. The State of Bihar through the Director General of Police, Bihar, Patna
2. The Superintendent of Police, Siwan, District- Siwan.
3. The station Head Officer, Bhagwanpur Hatt Police-Station, District- Siwan.

... .. Respondents

Appearance :

(In Criminal Writ Jurisdiction Case No. 1368 of 2017)

For the Petitioner : Ms. Anita Kumari, Advocate

For the Respondents : Mr. Kumar Manish, S.C.-5

(In Criminal Writ Jurisdiction Case No. 634 of 2017)

For the Petitioner/s : Ms. Anita Kumari, Advocate

For the Respondent/s : Mr. Md. Nadeem Seraj, G.P.-5

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

4 28-02-2023

Heard the parties.

Cr.W.J.C. No. 1368 of 2017 has been filed for



quashing of F.I.R. vide Bhagwanpur Hatt P.S. Case No. 46 of 2017 registered for the offences under Sections 272, 273 and 308 of the Indian Penal Code and under Section 30-A and 41(1) of the Bihar Prohibition & Excise Act, 2016 pending in the court of learned A.C.J.M.-II, Siwan.

Cr. W.J.C. No. 634 of 2017 has been filed for quashing of orders dated 28.03.2017 and 04.04.2017 passed by learned Additional Chief Judicial Magistrate, II, Siwan, in connection with Bhagwanpur Hatt P.S. Case No. 46 of 2017, by which warrant of arrest has been issued against the petitioner.

As per the F.I.R. while the informant was on patrolling duty, he received an information that a Scorpio vehicle loaded with liquor has met with an accident. On the basis of the said information, the informant reached there and thereafter made search of the vehicle in presence two independent witnesses. Upon search, huge quantity of foreign liquor has been recovered from the said vehicle.

Though learned counsel for the petitioner submits that the vehicle from which the liquor has been seized was not registered in the name of the petitioner or his family members and there is no legal evidence to support that the seized vehicle belongs to the petitioner but, the evidence collected during



investigation *prima facie* suggests that the petitioner is the owner of the said vehicle.

Considering the aforesaid facts and also the law laid down by the Hon'ble Supreme Court in the case of *M/s Neeharika Infrastructure Pvt. Ltd. vs. State of Maharashtra and others* reported in *(2020) 10 SCC 118*, the F.I.R. cannot be quashed and there is no illegality or infirmity in the orders dated 28.03.2017 and 04.04.2017, by which warrant of arrest has been issued against the petitioner.

In view of the above, both these applications stand dismissed.

(Sandeep Kumar, J)

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