

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.2289 of 2017

Arising Out of PS. Case No.-141 Year-2017 Thana- PATNA CITY CHOWK District- Patna

1. Rajkumar Tekriwal, Son of Matadi Tekriwal, R/o Aaga Hussain Ka Chauraha, Patna City presently residing at 1855, Bazir Singh, Chuna Mandi, P.s.- Paharganj, Delhi.
2. Rinku Tekriwal age about 40 Years, S/o Late Bhagwan Das Tekriwal, R/o Mohalla- Jhaowganj, P.S.- Chowk, District- Patna.

... .. Petitioner

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna and Ors
2. The Director General of Police, Patna.
3. The Inspector General of Police, Patna.
4. The Superintendent of Police, Patna City.
5. The Circle Officer-Cum-Incharge, Choek Thana, Patna City, Patna.
6. The Inspector of Police- Cum- Incharge, Choek Thana, Patna City, Patna.
7. The I.O. Cum Sub Inspector of Police, Choek Thana, Patna City, Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s : Ms. Shama Sinha, Advocate
For the Respondent/s : Mr. Vikash Kumar, S.C.-11

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

3 03-04-2023 Heard learned counsel for the petitioners and

learned counsel for the State.

This application has been filed for quashing of the
F.I.R. vide Chowk Thana P.S. Case No. 141 of 2017 registered
under Sections 272, 273/34 of the Indian Penal Code and under
Sections 37(a)(D), 32 (3), 38(2) of the Bihar Prohibition &
Excise Act, 2016.



As per the F.I.R., on secret information the police personnel raided the transport company of the petitioners. It is alleged that upon enquiry, the guard of the said transport company informed the police that Rinku Tekriwal and Rajkumar Tekriwal (petitioners) are the owners of the said transport company. He also informed that Rajkumar Tekriwal stays in Delhi and occasional visits here and Rinku Tekriwal looks after the work of the transport company. It is also alleged that on search, about 300 ml. foreign liquor has been recovered from the premises of the said transport company.

Learned counsel for the petitioners submits that the petitioner no.1 is one of the Directors of Azad Transport Company Limited, which is a private limited company having 200 branches in all over India. She further submits that the petitioner no.1 stays in Delhi and from there he managed the affairs of the company and petitioner no.2 is the cousin brother of petitioner no.1 and he has no concern with the affairs of the company.

Learned counsel for the petitioners further submits that there are more than 1000 employees employed under the company of petitioner no.1 and it is not possible for the petitioner to know each and every employee and their activities



after office hours.

Learned counsel for the State has opposed this application.

Considered the submissions of the parties.

From the F.I.R. it appears that the police raided the transport company of the petitioner no.1 at about 11 P.M. in the night and found the gate of the said company to be closed. Thereafter, the police called the guard and managers of the company and searched the premises of the company and recovered 300 ml. foreign liquor from the said the premises. It also appears from the record that the petitioner no.1 stays in Delhi and occasionally visits Patna and petitioner no.2 is the cousin brother of the petitioner no.1. In the opinion of this Court, the petitioners cannot be fastened with the liability of something which has been seized from the transport company of the petitioner no.1 that too 300 ml. foreign liquor in their absence.

Considering the aforesaid facts, this Court is of the opinion that criminal prosecution of the petitioners would amount to an abuse of the process of the Court.

Accordingly, this application is allowed. Consequently, F.I.R. vide Chowk Thana P.S. Case No. 141 of



2017 registered under Sections 272, 273/34 of the Indian Penal Code and under Sections 37(a)(D), 32 (3), 38(2) of the Bihar Prohibition & Excise Act, 2016 and all consequential proceedings arising out of the said FIR are quashed in the interest of justice.

(Sandeep Kumar, J)

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