

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.75013 of 2022

Arising Out of PS. Case No.-357 Year-2022 Thana- SHRIKRISHNAPURI District- Patna

RAJ KUMAR SINGH Son of Late Jawahar Prasad Singh @ Jawahar Lal R/o
Boring Canal Road, New Punaichak, Near Liberty Show Room, P.S.- Shri
Krishnapuri, District- Patna

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 75020 of 2022

Arising Out of PS. Case No.-357 Year-2022 Thana- SHRIKRISHNAPURI District- Patna

PAPPU KUMAR @ PANKAJ KUMAR @ PAPPU KUMAR PANKAJ Son
of Late Jawahar Prasad Singh @ Jawahar Lal Resident of Boring Canal Road,
New Punaichak, Near Liberty Show Room, P.S.- Shri Krishnapuri, District -
Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 75013 of 2022)

For the Petitioner/s : Mr. Arvind Prasad Singh

For the Opposite Party/s : Mr. Satyendra Prasad

(In CRIMINAL MISCELLANEOUS No. 75020 of 2022)

For the Petitioner/s : Mr. Arvind Prasad Singh

For the Opposite Party/s : Mr. Shailendra Kumar Singh

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

3 18-08-2023 Heard learned counsel for the parties.

2. This application has been filed for quashing of the
order dated 07.11.2022 by which learned Special Judge, Excise,
Patna has taken cognizance against the petitioners along with
other co-accused person in connection with Special Case No.



5429/ 2022, arising out of Sri Krishna Puri P.S. Case No. 357/2022, registered under Section 30(a) of the Bihar Prohibition and Excise Act.

3. As per prosecution case, informant Pinki Devi has alleged in F.I.R. that on 03.09.2022 one complaint was sent from excise department that illegal business is being done by Ajay Kumar @ Chhotu and others near liberty show room in New Punaichak, Boring Canal Road. On the basis of above information police came near liberty show room. Seeing police two persons tried to flee away but were caught by the police. They disclosed their names as Rajesh Ranjan and Pappu Kumar @ Pankaj Kumar @ Pappu Kumar. They further alleged that they are three brothers and the house is joint property of all three brothers and on ground floor one lassi shop is being run by the tenant. On search 49.860 litres of liquor was recovered from the bathroom.

4. During investigation, independent witnesses have stated that the petitioner is not involved in the crime. They further stated that petitioner is one of three brothers who own the house and the recovery of illicit liquor has been from the tenant Rajesh Ranjan.

5. Considering the entire case and the materials which



has come during investigation, this application is allowed.

6. The order dated 07.11.2022 by which learned Special Judge, Excise, Patna has taken cognizance against the petitioners in connection with Special Case No. 5429/ 2022, arising out of Sri Krishna Puri P.S. Case No. 357/2022, is hereby quashed with respect to the petitioners only.

7. The prosecution of other co-accused Rajesh Ranjan shall continue.

(Sandeep Kumar, J)

Ranjeet/-

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