

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25175 of 2024

Arising Out of PS. Case No.-179 Year-2023 Thana- ARER District- Madhubani

1. Vijay Kumar Mishra @ Vijay Mishra SON OF SHRI SITARAM MISHRA
RESIDENT OF VILLAGE- AND PO AND PS - ARER, DIST-
MADHUBANI
2. GOPAL MISHRA SON OF SHRI PREM CHANDRA MISHRA
RESIDENT OF VILLAGE- AND PO AND PS - ARER, DIST-
MADHUBANI

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bimal Kumar Jha
For the Opposite Party/s : Mr.Sanjay Kumar Pandey

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

2 23-07-2024 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor appearing on behalf of the State.

2. This application has been filed for quashing of the
F.I.R. bearing Arer P.S. Case No. 179 of 2023 u/s 272, 273, 341,
323, 353, 504/34 of I.P.C. and 30(a) of Bihar Prohibition of
Excise Act registered on 20.12.2023 by one Dharendra Prasad
Srivastava, Inspector of Benipatti Excise Police Station which is
nothing but the repetition of Benipatti Excise P.S. Case No. 140
of 2023 dated 18.12.2023 u/s 3(a) of Bihar Prohibition & Excise
Amendment Act 2018.

3. For the same occurrence, two F.I.R.s have been
registered.



4. From the reading of the F.I.R., it appears that the contention of the petitioner is correct.

5. Learned counsel for the petitioners submits that for the same occurrence two F.I.R.s cannot be registered.

6. The learned Additional Public Prosecutor has opposed the prayer of the petitioner.

7. I have gone through the two F.I.R.s and it appears that F.I.R. in Annexure-1 is the second F.I.R. and therefore, the same cannot be continued.

8. In view of the above, this application is allowed.

9. Accordingly, the F.I.R. bearing Arer P.S. Case No. 179 of 2023 u/s 272, 273, 341, 323, 353, 504/34 of I.P.C. and 30(a) of Bihar Prohibition of Excise Act registered on 20.12.2023 is quashed.

(Sandeep Kumar, J)

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