

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24490 of 2023

Arising Out of PS. Case No.-85 Year-2020 Thana- KEWATI District- Darbhanga

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Ram Sarovar @ Ram Sarovar Yadav Son Of Late Jitu Yadav Resident Of
Village - Megha, P.S. - Keoti, Distt. - Darbhanga

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Baidya Nath Prasad

For the Opposite Party/s : Mr.Prem Kumar Jha

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 18-03-2024 This application has been filed for quashing the order of cognizance dated 27.06.2022 passed by learned Special Judge – I (Excise Act), Darbhanga in Keoti P.S. Case No. 85 of 2020 under Section 30(a) of Bihar Prohibition and Excise Act.

2. Learned counsel for the petitioner submits that alleged 269 liters of foreign liquor has been recovered from the hut of the petitioner, which (illicit liquor) does not belong to this petitioner. He further submits that as a matter of fact, the alleged liquor was kept by some other persons in the said hut, but merely because petitioner happens to be owner of the hut in question, he has been falsely implicated in this case.

3. Learned A.P.P. for the State vehemently opposes the submission made on behalf of petitioner and submits that the learned Court below has rightly passed the order of cognizance,



which does not require any interference by this Court. At the stage of taking cognizance, only fact mentioned in the F.I.R. and the materials collected during course of investigation, are required to be seen. The points raised by the petitioner are in the realm of defence. The defence of the petitioner cannot be seen at the stage of taking cognizance.

4. Considering the aforesaid facts and circumstances, I do not find any illegality or perversity in the order impugned warranting any interference by this Court. Accordingly, this petition is dismissed.

(Prabhat Kumar Singh, J)

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