

**IN THE HIGH COURT OF JUDICATURE AT PATNA**

**CRIMINAL MISCELLANEOUS No.50069 of 2018**

Arising Out of PS. Case No.-50 Year-2017 Thana- SIKANDRA District- Jamui

Praduman Sharma S/o Narayan Sharma, resident of Amgahana, P.S. Belhar,  
District- Banka.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Satya Prakash Parasar, Advocate

For the Opposite Party/s : Mr.Anant Kumar, APP

**CORAM: HONOURABLE MR. JUSTICE BIBEK CHAUDHURI**

**ORAL ORDER**

2      01-05-2024                      This is an application under Section 482 of the Cr.P.C.  
  
filed by the petitioner praying for quashing of the order of  
taking cognizance dated 10<sup>th</sup> of April, 2018 passed in G.R. No.  
722 of 2017 arising out of Sikandra P.S. Case No. 50 of 2017  
pending before the learned Additional Sessions Judge, IInd,  
Jamui.

2. When the matter was called on for hearing, learned  
Advocate for the petitioner submits that the instant matter may  
be adjourned for the day. When the Court informs him that this  
is a case of 2018 and the trial of the case is on halt because of



the pendency of the instant application, he submits before the Court that the file is not with him. At this point, this Court proceeds to dispose of the instant revision on merit on the basis of materials on record.

3. The case of the prosecution is that one Ashok Kr. Singh attached to Police Station Sikandra in the District of Jamuai was conducting patrolling duty on 25<sup>th</sup> of April, 2017. While conducting patrolling duty, he found that one pickup van bearing registration no. JH 15 M 2658 was coming towards Jamui. The police officer gave signal to the driver of the pickup van to stop, but he did not stop the vehicle. However, the police party managed to stop the vehicle immediately. The driver of the pickup van fled away from the vehicle. The police officer conducted search and recovered huge quantity of foreign liquor loaded in the said van. On the basis of suo motu FIR, Sikandra P.S. Case No. 50 of 2017 was registered. During investigation police could not find out and apprehend the driver of the said van. However, the owner of the pick-up van was apprehended and booked in the said criminal case registered as G.R. Case No. 722 of 2007 in the Court of the learned Addl. Chief Judicial Magistrate, IInd Court at Jamuai. The owner of the vehicle is the petitioner before this Court.



4. It is submitted in the petition that the petitioner, being the registered owner, is interested his driver to drive the pickup van. It is not within the knowledge of the petitioner as to whether he was transporting banned foreign liquor within the territory of State of Bihar or not. The petitioner has no knowledge or connection in the offence under Sections 272 and 273 of the IPC, read with Section 30 (a) of the Bihar Prohibition and Excise Act, 2016.

5. It is needless to say that when a driver is authorized to drive a vehicle, the owner of the vehicle is required to issue an authorization letter. On the basis of such authorization letter, the driver drives a vehicle, carries passengers and articles in the vehicle, and do all acts involving the vehicle and for the act of the driver, the owner is vicariously liable.

6. The issue as to whether in a case of like nature, the petitioner can be prosecuted on the principle of vicariously liability shall be taken up for hearing by the Trial Court at the time of framing of charge against the petitioner.

7. The instant case cannot be quashed at this stage on the ground that the petitioner has no knowledge regarding the act of his driver.

8. For the reason stated above, the instant revision is



dismissed on merit.

**(Bibek Chaudhuri, J)**

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