

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.1933 of 2017

Arising Out of PS. Case No.-20 Year-2017 Thana- BAUNSI District- Banka

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Bal Manohar @ Babloo Singh, Son of Kanhaiya Prasad Singh, resident of
Village- Isua, P.S.- Sarmera, District- Nalanda.

... .. Petitioner/s

Versus

1. The State Of Bihar, Through The Director General Of Police, Bihar and Ors
2. The Superintendent of Police, Banka.
3. The Officer In Charge, Bounsi Police Station, Banka.
4. The Principal Secretary, Department of Registration, Excise and Prohibition.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Ajit Kumar, Adv
For the Respondent/s : Mr.Kumar Manish, APP

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CORAM: HONOURABLE MR. JUSTICE BIBEK CHAUDHURI
ORAL ORDER

9 29-02-2024 1. Bounsi P. S. Case No. 20 of 2017, dated 3rd of
February, 2017, was registered on the basis of a *suo motu*
complaint submitted by one Parikshit Paswan, S.H.O, Bounsi
Police Station against 11 accused persons including the present
petitioner under Section 30(a) of Bihar Prohibition and Excise
Act, 2017 read with Sections 272, 273 and 120 B of the IPC, on
the allegation that the FIR named persons formed an Inter-State
gang for supply and distribution of Indian Made Foreign Liquor
(hereinafter referred to as the “IMFL” for short) in the State of
Bihar.

2. The background of filing of the aforesaid FIR is
that the above-named S.H.O, Bounsi Police Station apprehended



one Bolero vehicle, bearing Registration No. BR 01 PC 9457 and a truck bearing Registration No. JH-2P 6920, during patrolling and recovered IMFL. From the said two vehicles, four persons were arrested.

3. From the statement of one Tuna Ram, driver of the Beloro vehicle, it could be ascertained that the registered owner of the said vehicle is one Bablu Singh. From his statement, it is also ascertained that the said vehicle was stolen by Tuna Ram and used in transporting IMFL which is banned in the State of Bihar.

4. During last 7 years, charge-sheet has not been filed against the petitioner. He approached this Court for quashing of the FIR, instituted against him.

5. At the time of hearing on 28th of February, 2024, the learned Standing Counsel submitted that he would file a paragraph-wise affidavit regarding the complicity of the petitioner. Today, the said affidavit has been filed. It is ascertained from the said affidavit that FIR was registered against altogether 11 accused persons including the petitioner. Charge-sheet has been filed against 4 accused persons and further investigation is going on for last 7 years.

6. It is surprising to note that there is no inclusion or



amendment of Section 167(5) of the Cr.P.C (there is no State Amendment) mentioning the time limit of closure of investigation in respect of warrant-triable cases. Taking advantage of such situation, an investigation continues for unlimited years at the sweet-well of the Police authority.

7. This Court is of the considered view that such State Amendment has not been initiated by the legislature only to help the police department because if somebodies named is included in the FIR and the investigation of the case is continued for an unlimited period, it would, I am sorry to say, help the Police Officer otherwise.

8. In the original FIR submitted by S.H.O., Bounsi Police Station, it is recorded that Tuna Ram, apprehended driver of the Bolero vehicle, made a statement that the Bolero vehicle was stolen. When a vehicle is stolen and used in the commission of an offence without the knowledge of the owner, the owner cannot be held liable for any offence.

9. In view of the above circumstances, this Court does not think it just and proper to keep the FIR of Bounsi P.S. Case No. 20 of 2017, dated 3rd of February, 2017, any more as against the petitioner.



10. Therefore, the above-named FIR is quashed as against the petitioner.

11. The copy of this order be sent to the Secretary, Department of Law, Govt. of Bihar, to consider the agony of this Court regarding keeping investigations of cases instituted on police report especially warrant and sessions triable cases for an unlimited period without even the order of the Chief Judicial Magistrate or Additional Chief Judicial Magistrate, as the case may be.

12. The instant writ petition is accordingly allowed.

(Bibek Chaudhuri, J)

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