

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38657 of 2023

Arising Out of PS. Case No.-251 Year-2021 Thana- SARAI District- Vaishali

DEEP PASWAN S/O MAHESH PASWAN R/O Village- Hela Bazar, P.S-
Town Hajipur, Distt.- Vaishali.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ranjit Kumar Thakur

For the Opposite Party/s : Mr.Mohammad Sufyan

**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

2 19-11-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. This application has been filed for quashing of
F.I.R. in connection with Sarai P.S. Case No. 251/2021
registered for the offences punishable u/s 22 and 23 of the
N.D.P.S. Act.

3. Learned counsel for the petitioner has submitted
that the petitioner is not named in the F.I.R. Learned counsel has
further submitted that the confession taken in police custody is
not admissible in the eye of law and further stated that Satya
Narayan Tulsiyan disclosed in his confession that one Deepak
Kumar is his associate who is resident of Konhara Ghat, P.S.-
Town Hajipur, District- Vaishali rather name of the petitioner is



Deep Paswan, S/o Mahesh Paswan, resident of village- Hela Bazar, P.S.-Town Hajipur, District- Vaishali. It is further submitted that during course of investigation no any material has come against the petitioner and the witnesses who gave their statement during investigation are police personnel.

4. Learned A.P.P. for the State has submitted that the petitioner has already been granted anticipatory bail by the co-ordinate Bench of this Court vide order dated 24.04.2023 passed in Cr. Misc. No. 57685/2022, on the other hand learned counsel for the petitioner has submitted that he is not named in the F.I.R and he is falsely implicated in this case by the police personnel.

5. Considering the aforesaid facts and circumstances of the case, this court is of the view that the present prayer for quashing of the F.I.R. is an attempt to circumvent the process of law. The contention that the petitioner is not the same person as named in the F.I.R. by the co-accused can be raised during the trial or in further stages of the proceedings, where evidence can be tested and a final determination can be made. Therefore, the interference at this juncture and quashing of the F.I.R. on this ground, particularly when anticipatory bail has already been granted would impede the investigation process and terminating the investigation without allowing the investigating agency to



verify the veracity of the petitioner's claim is unwarranted. It is further submitted that the allegation contained in the F.I.R., *prima facie* constitutes an offence against the petitioner.

6. For the reasons discussed aforesaid, the court do not find it safe to invoke the extraordinary inherent jurisdiction of the court u/s 482 of the Cr.P.C. to quash the said F.I.R. with respect to the petitioner.

7. Accordingly, this quashing application is dismissed.

(Chandra Prakash Singh, J)

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