

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39101 of 2023

Arising Out of PS. Case No.-205 Year-2016 Thana- GOVERNMENT OFFICIAL COMP.
District- Darbhanga

=====

Suresh Kumar Purbey Son Of Late Jagdish Purbey Resident Of Mohalla -
Azamnagar, Ward No.- 06, Mulbiganj, P.S.- L.N.M. University, District -
Darbhanga.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr.Baidya Nath Prasad

For the Opposite Party/s : Mr.Jagdhara Prasad

=====

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

ORAL ORDER

2 19-11-2024 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. This application has been filed on behalf of the petitioner for quashing the order dated 02.05.2023 passed by the Exclusive Special Judge-1 (Excise Act) Darbhanga in G.O. Case No. 808 of 2017 or in connection with G.O. Excise Case No. 205 of 2016 whereby the cognizance has been taken against the petitioner u/ss 47 (a) and 57 of the Bihar Prohibition of Excise Act and the application of the petitioner for discharge u/s 227 of the Code of Criminal Procedure was also rejected.

3. As per the prosecution case, total 1.875 litres of foreign liquor, three empty bottle of liquor and two pieces of



disposal glasses were recovered from the house of the petitioner and the co-accused Munna Kumar was arrested from the place of occurrence.

4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case. The petitioner has clean antecedent as stated in paragraph no. 3 of the bail petition. The name of the petitioner has transpired merely on the basis of being the owner of the said house. It is further submitted that the said house was given on rent by the petitioner's father namely *Late Jagdish Purbey* on 13.07.2009 to one M/S QUIPPO TELECOME INFRASTRUCTURE LIMITED for the purpose of telecome communication tower work since then the premises has been in possession of the aforesaid company. It is further submitted that no investigation report has been submitted by the Excise officer in this case till today in spite of that the learned court below has taken cognizance against the petitioner u/s 47 (a) of the Bihar Prohibition of Excise Act only on the basis of prosecution report submitted by the informant on 10.09.2016.

5. learned APP for the State has opposed the quashing application of the petitioner by submitting that the house in question is owned by the petitioner. The petitioner did not



produce any documents regarding rent rather a false lease agreement has been filed on behalf of the petitioner and the same is not registered.

6. Considering the above facts and circumstances of the case, this court do not find any merit in the contention of the learned counsel for the petitioner.

7. Accordingly, the present quashing application is rejected.

(Chandra Prakash Singh, J)

Jyoti/-

U		T	
---	--	---	--

