

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48389 of 2021

Arising Out of PS. Case No.-192 Year-2019 Thana- GOVERNMENT OFFICIAL COMP.
District- Samastipur

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KRISHNA KUMAR JHA @KRISHNA KUMAR Son of Late Kailash Jha
Resident of Village- Dhurlakh, P.O.- Dhurlakh, P.S.- Samastipur Muffasil,
District- Samastipur 847301

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Raushan
		Mr. Sahil Kumar
		Mr. Atul Prakash
For the Opposite Party/s :		Mr. Mukeshwar Dayal

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 31-01-2024 1. Heard learned counsel for the petitioner and
learned APP for the State.

2. The learned counsel for the petitioner, at the outset,
submits that petitioner has been falsely implicated in the present
case, it is next submitted that petitioner was not arrested from
the spot and he came to be implicated on the ground that one
Manoj was arrested with liquor and he was driving the
motorcycle of the petitioner.

3. The learned counsel for the petitioner next submits
that even presuming what has been alleged is true without
admitting then whether any offence under Section 30(a) of the
Excise Act is made out in the nature of allegation as alleged
when petitioner was not apprehended from the spot. It is next



submitted that it cannot be presumed that petitioner being owner of the vehicle was in deemed possession of the liquor as deemed possession is now not an offence. It is next submitted that apart from the fact that petitioner was the owner of the vehicle, nothing has come during the course of investigation which could even remotely connect the petitioner with the offence.

4. The learned APP for the State rebuts the submission of the learned counsel for the petitioner and submits that if what has been submitted by the learned counsel for the petitioner is true then the same can also be appreciated at the stage of the trial.

5. The learned counsel for the petitioner, at this stage, seeks permission to withdraw the quashing application with liberty to raise all the issues raised herein at an appropriate stage in the trial.

6. Permission is accorded.

7. Accordingly, the present quashing application stands dismissed as withdrawn.

(Satyavrat Verma, J)

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