

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41035 of 2024

Arising Out of PS. Case No.-766 Year-2023 Thana- Excise P.S. District- Nalanda

Sharda Kumari wife of Mithilesh Prasad Village- Narsaliganj Ps- Bihar Dist-
Nalanda

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Chhote Lal Mishra, Advocate
For the State : Mr.Binod Kumar, APP

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

2 13-08-2024 Heard the parties.

2. The present quashing application which has been preferred on behalf of the petitioner against the order dated 4.11.2023 passed in connection with Excise P.S. Case No. 766/2023 (arising out of Excise Case no. 1672/2023) Bihar Sharif, Nalanda by which the learned A.D.J.-IV- cum- Exclusive Special Excise Judge-2 has taken cognizance offence u/s 30(a) Bihar prohibition Excise Act against the petitioner.

3. As per the prosecution case, while the police party were on patrolling duty, they received secret information that foreign wine was unloading from one Mini Truck in a factory. On the basis of the said information, the police party raided the factory premises and recovered about 277 liters of foreign liquors from a Mini Truck and a motorcycle. The present



petitioner along with two other persons were apprehended while they were hiding the illicit liquor.

4. The case has been found true against the petitioner after investigation. This is not a fit case for quashing of the cognizance order on the basis of the submissions of the petitioner when materials have come during investigation against the petitioner.

5. Accordingly, this application is dismissed with liberty to the petitioner to raise all the grounds at the stage of framing of charge.

(Sandeep Kumar, J)

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