

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55163 of 2023

Arising Out of PS. Case No.-411 Year-2023 Thana- GOVERNMENT OFFICIAL COMP.
District- Muzaffarpur

=====

Sanjeev Kumar Singh Son Of Ram Janm Singh Resident Of Sumitra Sadan,
Village Adarsh Gram, Road No.-1, Kolhua, Paigambarpur, P.S. - Ahiyapur,
District- Muzaffarpur, At Present Residing At 286, Race Course Road,
Coimbatore, Soufi, Coimbatore, Tamilnadu-641018

... .. Petitioner/s

Versus

1. The State of Bihar
2. Sri Pranav Kumar, District Magistrate, Muzaffarpur
3. Sri Sanjay Kumar Rai, Superintendent Of Police, Excise, Muzaffarpur
4. Soni Mahiwal, Inspector Of Police, Excise P.S., Muzaffarpur

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s	:	Mr. Gouranga Chatterjee, Adv. Mr. Nilanjan Chatterjee, Adv. Mr. Ujjwal Raj, Adv. Mr. Sahil Kumar. Adv. Mr. Anirvan Choudhuri, Adv.
For the Opposite Party/s :		Mr. Abhay Kumar Roy, Adv. Mr. C. B. Prasad, APP

=====

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL JUDGMENT

Date : 23-04-2024

Heard the parties.

2. This application has been filed for quashing of the entire prosecution case in connection with Excise P.S. Case No. 411 of 2023 registered for the offences punishable under Sections 30(a) and 32(c) of the Bihar Prohibition and Excise Act pending in the Court of Special Judge, Excise Court No. II, Muzaffarpur.

3. The prosecution case, in short, is that the informant received secret information that illegal foreign liquor has been



hidden in a white colored newly constructed house under Ahiyapur P.S. which have been stored by one Munna Sahni and Jisu Kumar and on search, he recovered 17.64 litres of foreign liquor from the said house which belongs to the petitioner.

4. Submission of learned counsel for the petitioner is that from perusal of the first information report it would manifest that the owner of the house has also been made an accused though not by name, it is next submitted that petitioner is the owner of the house and he is working as Chief Executive Officer in Peria Karamalai Tea and Produce Co. Ltd., Panchratn 286, Race Course Road, Coimbatore, Tamil Nadu. It is further submitted that on being informed about the occurrence by his brother, he asked his brother to inform the police about the fact that petitioner was not residing in the house and the same was being looked after by a caretaker named Basu Sahni. Accordingly the brother of the petitioner informed the police that the petitioner is working at Coimbatore. It is next submits that police after investigation submitted charge-sheet dated 19.04.2023 but the petitioner was not made an accused rather the charge-sheet was submitted against Basu Sahni, his caretaker.

5. Learned counsel for the petitioner further submits that



in the paragraph-17 of the counter affidavit filed on behalf of the District Magistrate, Muzaffarpur, wherein the District Magistrate submits that after supervision and investigation, the case was not found true against the petitioner rather it was found true against the caretaker of building and the named accused persons, as contained in Annexure-C to the said counter affidavit.

6. In view of the aforesaid facts and circumstances, this application is disposed of with a direction to the Court below to pass an appropriate order in accordance with law.

(Prabhat Kumar Singh, J)

utkarsh/-

AFR/NAFR	N/A
CAV DATE	N/A
Uploading Date	01.05.2024
Transmission Date	01.05.2024

