

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59857 of 2023

Arising Out of PS. Case No.-290 Year-2019 Thana- AIRPORT District- Patna

Avadhesh Kumar Ram @ Avadhesh Prasad Son Of Late Mishrilal Ram @
Mishri Ram R/O Vill - Kathari, P.S. - Vikram, Distt. - Patna, Presently
Residing At Bhikachak Nonia Tola, P.O. - Anishabad, P.S. - Gardanibagh,
Distt. - Patna

... .. Petitioner/s

Versus

The State Of Bihar Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Jainendra Kumar Pushkar

For the Opposite Party/s : Mr. Surendra Kumar

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

2 01-08-2024 This is an application for quashing of the order taking cognizance dated 06.08.2022 against the petitioner for the offences under Section 37 of the Bihar Prohibition and Excise Act in Special Case No. 10152 of 2019 in connection with Hawai Adda P.S. Case No. 290 of 2019.

2. The learned counsel for the petitioner has submitted that the offence committed by the petitioner is punishable by less than one year and, therefore, the cognizance taken beyond the period of one year is barred by limitation.

3. The learned counsel for the petitioner has not been able to satisfy this Court as to whether the offence committed by the petitioner was his first offence or not. All these are the questions of facts which cannot be decided by this Court.



4. *Accordingly, this application is disposed of* with liberty to the petitioner to raise all the grounds at the stage of framing of charge including the question of limitation and if the petitioner is able to satisfy the court below that the cognizance was taken beyond the limitation then an appropriate order shall be passed on the discharge application of the petitioner.

(Sandeep Kumar, J)

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