

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6759 of 2023

Arising Out of PS. Case No.-175 Year-2021 Thana- SAMSTIPUR RAIL P.S District-
Samastipur

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SAROJ KUMAR Son of Harsit Rai Resident of Village - Gopalpur, Khurd,
P.S.- Sakra, District - Muzaffarpur, At Present Junior Commissioned Officer,
Indian Army, CO 28 Mad Regi., C/O 56 APO, India

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Secretary Department of Excise, Bihar, Patna. Bihar
3. The District Magistrate, Samastipur. Bihar
4. The Superintendent of Police, Samastipur. Bihar
5. The Superintendent of Rail Police, Muzaffarpur. Bihar
6. The Officer In charge, Rail Police Station, Samastipur. Bihar
7. The Assistant Sub Inspector, Rail Police Station Namely Jai Kumar,
Samastipur Rail Police Station, Samastipur, Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Choudhary Shyam Nandan
For the Opposite Party/s : Mr.Zainul Abedin

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 04-03-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. This application has been filed for quashing the
F.I.R. of Samastipur Rail P.S. Case No. 175 of 2021 registered
under Section 30(A) of Bihar Prohibition and Excise Act on the
basis of written statement of A.S.I.

3. Petitioner seeks quashing of F.I.R. by considering
all the materials on affidavit in his defence, which is not
permissible in law.



4. Considering the law laid down by the Hon’ble Supreme Court in the case of *State of Bihar vs. P.P. Sharma*, reported in *1992 Supp.(1) SCC 222*, this application is dismissed.

(Prabhat Kumar Singh, J)

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