

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.79635 of 2023

Arising Out of PS. Case No.-545 Year-2021 Thana- MOHANIYA District- Kaimur (Bhabua)

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Rakesh Singh @ Rakesh Kumar @ Rajesh Singh son of Ravindra Singh @
Ravindra Kumar Singh Village- Kutubpur Po- Lahsua Lahsuna Ps- Punpun
Dist- Patna

... .. Petitioner/s

Versus

1. The State of Bihar
2. Hirdyanand Ram not given PSI, P.S-Mohania Dist- Kaimur

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Deepak Kumar Singh, Advocate
For the State : Mr.Abhay Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

2 19-09-2024 Heard the parties.

2. The present application has been filed for quashing the order dated 24.01.2022 passed by the learned Special Judge(Excise), Kiamur, Bhabhua whereby he has taken cognizance against the petitioner and other accused persons for the offence punishable under Sections 30(a), 37(1)(2) and 41(1) of the Bihar Prohibition and Excise Act, 2016 in connection with Mohania P.S. Case No., 545 of 2021.

3. As per the FIR, while the informant and other police personnel were on patrolling duty, they stopped a gray



colour vehicle with registration number JH-09AF-0909, coming from Varanasi side but the driver of the said vehicle tried to flee away. Ultimately, the police apprehended the said vehicle in which three persons were sitting including the driver. On enquiry, the apprehended person disclosed their names as Rakesh Singh (petitioner), Gopal Singh and Vivek Singh. It is also alleged that during the search of the said vehicle, total 9.5 liters of Budweiser Magnum Super Premium Cane Beer, was recovered from the dicky of the said vehicle. It is also alleged that the apprehended persons were underwent a Breath Analyzer Test, which revealed 0.0202mg/L and 0.205mg/L quantities of alcohol in their bodies, respectively. The third individual Rakesh Singh did not show any alcohol in his system in the Breath Analyzer Test. Subsequently, it is submitted that according to the prosecution, all three individuals were taken to the Sub-Divisional Hospital, Mohania for a medical examination. The duty doctor confirmed that Vivek Singh and Gopal Singh had consumed alcohol, while there was no evidence of Rakesh Singh consuming alcohol.

4. The petitioner and two other co-accused were caught with illicit liquor and they were found in drunken condition.



5. In the opinion of this Court, no case for quashing is made out.

6. Accordingly, this application stands dismissed.

(Sandeep Kumar, J)

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