

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.83403 of 2023

Arising Out of PS. Case No.-222 Year-2021 Thana- SASARAM MUFFSIL District- Rohtas

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HAPPY SINGH @ HAPPY SON OF PRATAP SINGH RESIDENT OF
VILLAGE - DONGRA JAT, P.S. - KANINA, DISTRICT -
MAHENDRAGARH (HARYANA)

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Babu Nandan Prasad
For the Opposite Party/s : Mr.Pushpa Sinha

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CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

2 30-07-2024 Heard the parties.

2. This application has been filed on behalf of the petitioner for quashing the FIR bearing Sasaram (Muffasil) P.S. Case No. 222 of 2021 registered for the offence under Section 30(a) of Bihar Prohibition and Excise Act, 2018.

3. As per the prosecution case, the petitioner is said to be involved in the smuggling of illicit liquor.

4. This Court, in quashing jurisdiction will not consider the defence of the petitioner and quash the FIR in view of 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* .



5. Accordingly, this application is dismissed.

6. The petitioner is given liberty to file an application before the Superintendent of Police, Rohtas at Sasaram making out his defence and if such an application is filed, the Superintendent of Police, Rohtas will direct the Investigating Officer to investigate the points raised by the petitioner so that the defence of the petitioner is also considered during investigation.

(Sandeep Kumar, J)

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