

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.738 of 2023

Arising Out of PS. Case No.-282 Year-2022 Thana- NAUGACHIA District- Bhagalpur

Vicky Bhagat @ Vishal Kumar Son of Om Prakash Bhagat Resident of
Village - Bhawanipur Pratapganj, P.S.- Pratapganj, District - Supaul

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Prohibition and Excise and Registration Deptt. Govt. of Bihar, Patna
2. The Director General of Police Bihar, Patna
3. The Superintendent of Police Naugachhiya District - Bhagalpur.
4. The Superintendent of Excise, Bhagalpur
5. The S.H.O. Naugachhiya Police Station Naugachhiya, District - Bhagalpur

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Tarun Prasad Mandal, Advocate
For the State	:	Mr. Kumar Manish, APP

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

3 24-04-2025 Heard the parties.

2. The present application has been filed for quashing the F.I.R. of Naugachhiya P.S. Case No. 282 of 2022 registered for the offences under Section 30(a) and 32(ii) of the Bihar Prohibition and Excise Act, 2018.

3. The short facts giving rise to this application are that on 16.9.2022, the police was checking the vehicle on Southern end of Kosi bridge, a goods career came there loaded with some liquid material and on query, the driver co-accused Hemant Kumar disclosed that thinner is loaded in the vehicle and he has received the consignment from Ravi Hardware,



Bhagalpur and is going to deliver the same to the petitioner but he failed to produce any document regarding the material loaded in the truck and thereafter the articles were seized along with the vehicle and seizure list was prepared on the basis of written report.

4. The petitioner has submitted that the petitioner had bought the thinner which has been assigned for business purpose. Whatever is the defence of the petitioner, this Court will not look into the defence and quash the FIR.

5. The petitioner is granted liberty to approach the I.O of the case and the concerned S.P. with his defence and if any substance is found in the defence during investigation, appropriate final form may be filed by the police.

6. The decision on the criminality can be taken by the police and not by this Court.

7. With the aforesaid observations, this application is dismissed.

(Sandeep Kumar, J)

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