

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65651 of 2024

Arising Out of PS. Case No.-27 Year-2024 Thana- PANJWARA District- Banka

Md Tahir Hussain Parvez @ Md Tahit Hussain Son of Shekh Tamunti @
Shekh Tamuli resident of Village- Laugain, PS- Mahagama, District- Godda,
Jharkhand

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanchit Singh, Advocate

For the Opposite Party/s : Ms. Indu Kumari Srivastava, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

- 2 02-06-2025 1. Heard learned counsel for the petitioner and learned
counsel for the State of Bihar.
2. The petitioner has filed the instant application
praying for quashing the FIR of Panjwara P.S. Case no.27 of
2024 registered on 14.3.2024 under section 30(a) of the Bihar
Prohibition and Excise Act, 2016.
3. As per the prosecution case, on a search being
conducted, a total of 265.53 litres of IMFL was recovered from
two Scorpio vehicles, one of which belong to the petitioner.
4. Learned counsel for the petitioner submits that the
petitioner has been falsely implicated in the case. Referring to
the letter of sale, brought on record as Annexure-2 to the
petition, it is submitted that the vehicle which was registered in



the name of the petitioner was sold on 23.2.2024 itself to Ismac Motor Dibdih, Ranchi while the alleged seizure even as per the allegations in the FIR is said to have taken place much thereafter on 14.3.2024. Learned counsel submits that the sale having been effected, the petitioner was no longer the owner of the vehicle in question and even the consideration amount for sale of the vehicle which was received by the petitioner by cheque was credited in his account much before the date of seizure on 23.2.2024 itself. It is thus submitted that no offence is made out against the petitioner and thus the FIR be quashed.

5. The application is opposed by learned APP for the State who submits that in a case for quashing of the FIR, the settled law is that the contents of the FIR have to be read, the same has to be accepted as true and in case any offence is made out, the FIR may not be quashed. With respect to the other allegations brought on record along with the petition, it is submitted that it is always open for the petitioner to bring the same to the knowledge of the authorities and to raise these points at the appropriate stage in the learned Court below.

6. Having heard learned counsel for the parties and taking into consideration the contents of the FIR, it cannot be said that no case is made out against the petitioner. The Court



finds no merit in the instant application and as such, the same is dismissed.

7. So far as the other points raised in the instant petition are concerned, it will always be open for the petitioner to raise the same in the learned Court below or before the authority concerned at the appropriate stage.

(Partha Sarthy, J)

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