

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.357 of 2018

Arising Out of PS. Case No.-360 Year-2017 Thana- MUFFASIL District- West Champaran

Naushad Ahmed, S/o Nesar Ahmed, R/o H-6, 17/2, Smith Lane, Kolkata-700013.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Excise Dept. Govt. of Bihar, Patna
2. The Director General of Police, Bihar, Patna.
3. The Inspector General of Police, Patna.
4. The Deputy Inspector General of Police, Bettiah.
5. The Senior Superintendent of Police, Bettiah,
6. The Superintendent of Police, Bettiah,
7. The Officer In Charge, Bettiah.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Binod Kumar Sinha, Advocate. Mr. Ajay Kumar Prasad, Advocate
For the State	:	Mr. Vivek Prasad, G.P.-7

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

5 12-12-2025 The present writ petition has been preferred for quashing Bettiah Muffasil P.S. Case No. 360 of 2017 registered for the offences punishable under Sections 30(D), 35 and 41 of Excise Act, 2016 against fourteen accused persons including some individuals and some unknown owners of Tanker and Tractor/Trailer.

2. It transpires that the petitioner is not named in the First Information Report. As such, there is no cause of action to file any writ petition to quash this First Information Report



because there is no allegation at all against the petitioner.

3. However, learned counsel for the petitioner submits that subsequently, name of the petitioner has been added in the charge sheet and during investigation arrest warrant was issued against him also as owner of the tanker. He also submits that tractor is not in the name of the petitioner but in the name of Company i.e. Indian Tankers Pvt. Ltd. and there is no specific role alleged against the petitioner in the FIR nor even named as an accused along with the owner of the tanker nor there is any specific allegation against him in the FIR. As such, there is no question of complicity of the petitioner in the alleged offence and no way he is connected.

4. In such situation, as far as FIR is concerned, the petitioner has no *locus standi* to get it quashed because in the FIR his name has not figured any way directly or indirectly but it is possible that in the charge sheet his name may have come and as per report from the Trial Court, two charge sheets have been submitted; one main charge sheet and another supplementary charge sheet. Even cognizance has been taken, but the petitioner is not aware at present as to whether charge sheet has been submitted and cognizance has been taken against him.



5. Hence, at this stage, learned counsel for the petitioner is seeking permission to withdraw the present petition with liberty to challenge the cognizance order if any passed against the petitioner because there is no reason to take cognizance and issue summons against the petitioner.

6. Permission is accorded.

7. Accordingly, the present petition is dismissed as withdrawn with liberty to the petitioner to challenge cognizance and summoning order, if any, as per law.

(Jitendra Kumar, J)

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