

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.79982 of 2024

Arising Out of PS. Case No.-6 Year-2024 Thana- SINDHUGAR District- Gaya

Indrajeet Kumar, Son of Umesh Mistri @ Umesh Sharma, R/o Village- Jagdishpur, P.S- Khizersarai, District- Gaya, Bihar 824233 Presently residing at- Near Tara Mandal, Vidyapath Marg, Behind Dr. S.N Arya Marg Patna, P.S- Kotwali, District-Patna 800001

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Anil Kumar Singh No.1, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL JUDGMENT

Date : 27-02-2025

Heard Mr. Anshuman Singh, learned counsel for the petitioner and Mr. Anil Kumar Singh No.1, learned APP appearing on behalf of the State.

2. The present application has been filed by the petitioner for quashing of the First Information Report (in short 'FIR') of Sindhugarh P.S. Case No.6 of 2024 registered under Sections 30(a) and 30(d) of the Bihar Prohibition and Excise Act, 2016 as well as Sections 2(anga), 5 (Kha) and 18 of Bihar Excise (Mahua Flowers) Rules, 2006.

3. The prosecution story, in brief, which is based on the written/self-statement of one Gautam Kumar, S.H.O. Sindhugarh Police Station, Gaya alleging therein that on



11.03.2024 at about 7:30, he received an information that four-five motorcycles are carrying illicit liquor. When the police reached at the spot at village-Sabarchak, they saw some motorcycles coming but, on seeing the police, the drivers of motorcycles fled away. However, one accused person was caught by the police and other three fled away. One of the apprehended co-accused disclosed his name as Shynde Kumar. Thereafter, the police seized the country-made liquor and prepared the seizure list.

4. The petitioner also prayed for release of his vehicle but, the prayer was rejected.

5. It is submitted by learned counsel appearing for the petitioner that alleged motorcycle bearing Registration No.BR01FJ-3217, having Chasis No.MBLHAW126MHH90708 was stolen by unknown persons, for which the FIR was lodged by this petitioner with Buddha Colony Police Station, Patna immediately after the occurrence. It is pointed out that the motorcycle in issue was stolen on 07.01.2023 for which, the FIR was lodged on 08.01.2023, which has been registered as Buddha Colony P.S. Case No.12 of 2023. It is further pointed



out that the aforesaid stolen motorcycle of petitioner after removing its registration number was used by unknown persons for carrying illicit liquor and, as such, after 18 months of the occurrence, it was seized in connection with Sindhugarh P.S. Case No.6 of 2024 registered for the offences punishable under Sections 30(a) and 30(d) of the Bihar Prohibition and Excise Act, 2016.

5. It is submitted that the petitioner also made accused in this case being the registered owner of the aforesaid stolen motorcycle. It is pointed out that petitioner is working as male Nurse in Patna U.G. Metro and is a man of clean antecedent.

6. The I.O. of Buddha Colony P.S. Case No.12 of 2023 was called for and he appeared in person today.

7. The learned APP after gathering information from I.O. of Buddha Colony P.S. Case No. 12 of 2023 submitted that in aforesaid case, charge-sheet No.107 of 2023 dated 25.02.2023 has already submitted by police showing "True without clue". The charge-sheet further suggest that the investigation of the aforesaid case was



closed for the time being, which was informed to the informant and if in near future, any clue would appear regarding the case, the investigation would open on same line. It is assured by learned APP that appropriate action in terms of the charge-sheet will be initiated now in Buddha Colony P.S. Case No.12 of 2023 taking note of recovery of stolen motorcycle of petitioner in present case.

8. From the factual background, it can be gathered safely that the implication of petitioner appears only being the registered owner of the motorcycle, which was stolen long back for which, the FIR was registered immediately by him as Buddha Colony P.S. Case No.12 of 2023. Prudently, it can be gathered that petitioner was not connected with present offence and, therefore, continuing with present criminal proceeding against the petitioner would only amount to abuse of the process of court of law.

9. Considering the aforesaid, the FIR of Sindhugarh P.S. Case No. 6 of 2024 with all its consequential proceedings before learned trial court *qua* petitioner is hereby quashed and set aside.



10. The application stands allowed.

11. The presence of Investigating Officer is dispensed with.

12. Let a copy of the judgment be communicated to the learned trial court forthwith.

(Chandra Shekhar Jha, J.)

Sanjeet/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	01-03-2025
Transmission Date	01-03-2025

