

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74351 of 2022

Arising Out of PS. Case No.-443 Year-2016 Thana- BARAUNI District- Begusarai

Raj Kumar Thakur Son Of Purushottam Kumar Resident Of - Ward No.- 32,
Kantah Tola, Mungeriganj, Soarpatti Road, P.S.- Town, District - Begusarai.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. S.K. Lal, Sr. Advocate
		Mr. Pritish Kumar Lal, Advocate
For the Opposite Party/s :		Mr. Ashok Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

2 03-04-2025 Heard the learned Senior Counsel for the petitioner as well as the learned APP for the State.

2. This is an application for quashing of the order dated 07.03.2022 passed by the Exclusive Excise Court-I, Begusarai in Barauli (Zeromile) P.S. Case No. 443 of 2016 by which the Court below has refused the prayer of the petitioner made under Section 227 of the Cr.P.C. for discharge.

3. The contention of the learned Senior Counsel for the petitioner; Sri S.K. Lal is that offence under Section 188 of the Indian Penal Code is not made out against the petitioner and moreover the petitioner being the owner of the vehicle cannot be prosecuted under the Excise Act.

4. Considering the aforesaid, I am not inclined to



consider the submission made on behalf of the petitioner at this stage and accordingly, this application is disposed off with liberty to the petitioner to raise all the grounds at the stage of framing of charge.

5. If such an application is filed, the Court below will consider the same in light of the law laid down by the Hon’ble Supreme Court in the case of *Kanchan Kumar Vs. State of Bihar reported in (2022) 9 SCC 577* and will pass a reasoned order.

(Sandeep Kumar, J)

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