

Chandeshwar Prasad and ors Vs. the State of Bihar

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Court : Patna

Decided On : Sep-10-2013

Appellant : Chandeshwar Prasad and ors

Respondent : The State of Bihar

Judgement :

IN THE HIGH COURT OF JUDICATURE AT PATNA Criminal Miscellaneous
No.2506 of 2008

===== 1.
Chandeshwar Prasad, son of late Chulhai Sah, resident of village Bhasar
Machhaha, P.S. Sitamarhi, Distt. Sitamarhi.

2. Santosh Kumar, son of Mathura Prasad, resident of village Bhasar Machhaha,
P.S. Sitamarhi, Distt. Sitamarhi.

3. Shyam Babu Sah, son of late Satya Narayan Sah, resident of village Chilra,
P.S. Sonbarsa, Distt. Sitamarhi. Petitioner/s Versus The State of Bihar
.... Opposite Party/s Appearance : For the Petitioner/s : Mr. Pushpendra Kr. Singh,
Adv. For the State : Mr. N.N. Tiwary, A.P.P.

=====
CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH ORAL

JUDGMENT

Date:

10. 09-2013 Anjana Prakash, J: Heard learned counsel for the Petitioners and the State.

2. The Petitioners seek quashing of the entire proceeding including the order of cognizance dated 6.8.2007 passed in Complaint Case No. C-2/1-07 passed by the Chief Judicial Magistrate, Sitamarhi, 3. The case of the Complainant is that even though the license of the Petitioner No. 2 had expired, he had been dealing in liquor and stored the same in the house of the Petitioner No.

3. 4. The submission of the Petitioners is that the license of the Petitioner No. 2 expired on 30.6.2007 whereafter he informed the Excise official on 4.7.2007 and locked the premises. The Complaint also discloses the fact that the premises were locked when searched on 23.7.2007. In such circumstances, only to assume on the Patna High Court Cr.Misc. No.2506 of 2008 dt.10-09-2013 2/2 basis of recovery that the Petitioners were still continuing to deal with the liquor is unwarranted.

5. Considering the aforesaid submission, the application is allowed and the entire proceeding including the order of cognizance dated 6.8.2007 passed by the Chief Judicial Magistrate, Sitamarhi, in connection with Complaint Case No. C-2/1-07 is, hereby quashed. (Anjana Prakash, J.) Patna High Court, Patna. Dated, the 10th September, 2013 NAFR/S.Ali

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