

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59 of 2023**

Arising out of PS. Case No.-250 Year-2021 Thana- BIRAUL District- Darbhanga

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Arun Paswan, S/o Sri Gajendra Paswan, R/o Village-Dhakjari, P.S.- Biraul,
Distt- Darbhanga.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Rajendra Prasad, Sr. Advocate Mr. Pramod Kumar, Advocate Mr. Ritesh Kumar, Advocate Mr. Dharendra Kumar, Advocate
For the Opposite Party/s:		Mr. Khurshid Anwar, APP

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**CORAM: HONOURABLE MR. JUSTICE ANSUL
ORAL JUDGMENT**

Date : 16-03-2026

Heard Mr. Rajendra Prasad, learned senior counsel as-
sisted with Mr. Ritesh Kumar, Mr. Pramod Kumar and Mr. Dhiren-
dra Kumar, learned counsels for the petitioner and Mr. Khurshid
Anwar, learned Additional Public Prosecutor for the State.

2. Petitioner seeks quashing of the order of cognizance
dated 10.06.2022 passed in connection with Biraul P.S. Case No.
250 of 2021 whereby and whereunder the learned 2nd Special Ex-
cise Judge, Darbhanga has taken cognizance of the offence under
Section 30(A) of the Bihar Prohibition and Excise Act, 2018.

3. The prosecution case is that the Station House Officer,
Biraul Police Station along with Chowkidar, Bambam Kunwar
were on patrolling duty, an information was received that the



liquor is being sold near the house of the petitioner upon which they reached there and found that 4-5 persons were fleeing away and on chase they could not be caught. From a pick up van which was parked near the house of the petitioner 1143 litres wine of different brands were seized and the pick up van was also seized.

4. As per the FIR, the place of recovery is near the house of the petitioner and his father. The recovered pick up van does not belong to the petitioner nor he is driver of the vehicle. During investigation only the official witnesses were examined and not a single witness from the locality was examined. Moreover, the name of the petitioner transpired on the statement of the Chowkidar and no document relating to ownership of the vehicle has been brought on record. Apart from the seizure-list, there is absolutely no material to ascertain where the seized liquor was kept. The custody of contraband and the chain of its custody are extremely unclear. In the considered opinion of this Court, it will be well nigh impossible to record a conviction on such shaky and doubtful material.

5. Learned Additional Public Prosecutor for the State has vehemently opposed the quashing of the cognizance order dated 10.06.2022.



6. In such view of the matter, the order of cognizance dated 10.06.2022 passed in connection with Biraul P.S. Case No. 250 of 2021 whereby and whereunder the learned 2nd Special Excise Judge, Darbhanga has taken cognizance of the offence under Section 30(A) of the Bihar Prohibition and Excise Act, 2018 is quashed and so far as the petitioner is concerned.

7. Accordingly, the present petition is allowed.

(Ansul, J)

Vikash/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	
Transmission Date	

