

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2575 of 2023**

Arising out of PS. Case No.-80 Year-2021 Thana- BIRAUL District- Darbhanga

=====

Arun Paswan, S/o Sri Gajendra Paswan, Resident of Village- Dhakjari, P.S.-
Biraul, District- Darbhanga.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

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. Shailendra Kumar Singh, APP

=====

**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 19.08.2021 passed in connection with Biraul P.S. Case No.
80 of 2021 (G.O. No. 466 of 2021) whereby and whereunder the
learned Special Judge, Excise, Darbhanga has taken cognizance
against the petitioner for the offence under Section 30(a) of the Bi-
har Prohibition and Excise Act, 2016.

3. The prosecution case is that when Rabindra Kumar
Singh, Assistant Sub-inspector of Police, Biraul Police Station was



on patrolling duty an information was received that one Amarjeet Sahni is having wine in his house upon which he reached there and found that Amarjeet Sahni along with two other persons were having wine in his house and from there 20 bottles of 375 ML liquor was recovered and seized, thereafter, on the information of Chowkidar that the wine was kept in a Gumti (Shop) it was broken and found that 24 bottles of 750 ML and 48 bottles of 180 ML liquor were recovered from there which were seized.

4. Learned counsel for the petitioner submits that the Gumti does not belong to the petitioner and there is no material to connect the petitioner with the seized articles and the petitioner has been implicated only on account of earlier Panchayat Samiti Election in which his father was elected as a Member of Panchayat Samiti.

5. Learned Additional Public Prosecutor for the State has vehemently opposed the quashing of the cognizance order dated 19.08.2021.

6. This Court finds that there is absolutely no clarity on the mode and manner to seizure. There is nothing on record to suggest safe and secure storage of contraband. The chain of custody of the contraband from the very beginning is doubtful. The same would render the whole prosecution meaningless.



7. In such view of the matter, the order of cognizance dated 19.08.2021 passed in connection with Biraul P.S. Case No. 80 of 2021 whereby and whereunder the learned 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.

8. Accordingly, the present petition is allowed.

(Ansul, J)

Vikash/-

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

