

(2009) 03 PAT CK 0048

In the Patna High Court

Case No : Criminal Miscellaneous No. 56103 of 2006

Dr. Madan Prasad @ Madan Mohan Prasad

APPELLANT

Vs

State of Bihar and Another

RESPONDENT

Date of Decision : 26-03-2009

Acts Referred:

Citation : (2009) 4 PLJR 931

Hon'ble Judges : Mandhata Singh, J

Bench : Single Bench

Advocate : Krishna Pd. Singh and Ashok Kumar, for the Appellant; Gopesh Kumar for the State, for the Respondent

Judgement

Mandhata Singh, J.—Heard the parties. One tanker bearing Registration No. MP-09-KB-6566 was found parked inside the premises of Ally Food Warehouse, Katra. Several pleas were taken in a quashing earlier filed by the Excise Superintendent, one of the employees of which this petitioner but stress was made on the point of remaining of no material at all against the said Excise Superintendent which was relied by a Bench of this Court while quashing the proceeding namely Cr. Misc. No. 48615 of 2006 was decided.

2. According to the learned counsel, same material is available on record for the petitioner also as being a junior employee of the Excise Department. Another accused, brother-in-law of this petitioner, said seen at the place of occurrence also, approached this Court for quashing before a Bench and the quashing petition was allowed. According to the learned counsel, similar evidence is there against the petitioner also. So. no prosecution can be justified to remain pending against the petitioner.

3. I agree with the submission of the learned counsel.

4. Accordingly, F.I.R. of Laheri P.S. Case No. 121 of 2006 pending in the Court of Chief Judicial Magistrate, Biharsharif, Nalanda, is quashed and this application is allowed. This application is thus disposed of.