

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Writ Jurisdiction Case No.1087 of 2016**

Arising Out of PS. Case No.-216 Year-2016 Thana- KOTWALI District- Patna

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Yamuna Prasad Sinha, son of Late Bhuneshwar Prasad Singh, resident of Village- Ghoswari, P.S.- Bakhtiyarpur, District- Patna, at present 105, Santosha Complex, Bandar Bagicha, P.S.- Kotwali, District- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. The Commissioner of Excise & Prohibition Department, Government of Bihar, Patna.
3. The Assistant Commissioner of Excise & Prohibition Department, Government of Bihar, Patna.
4. The District Collector-cum-District Magistrate, Patna.

... .. Respondent/s

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**Appearance :**

For the Petitioner/s : Mr. Vipin Kumar, Advocate  
For the Respondent/s : Mr. Pushkar Narain Shahi, AAG-6

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**CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH**  
**ORAL JUDGMENT**

**Date : 02-01-2019**

This writ petition has been filed by the petitioner for quashing of the Kotwali P.S. Case No.216 of 2016 registered under Sections 47(a) and 63 of the Excise Act.

At the outset, it is submitted by the learned counsel for the petitioner that during pendency of the writ application the police completed investigation of the case and submitted its report under Section 173(2) of the Code of Criminal Procedure pursuant to which the court has taken cognizance of the offence and the petitioner has been summoned to face trial. He submitted that due



to developments, which took place during pendency of the application, the instant writ petition has become infructuous.

In view of the submission made above, the writ petition is dismissed as infructuous with liberty to the petitioner that if so advised, he may challenge the order taking cognizance of the offence in accordance with law.

**(Ashwani Kumar Singh, J.)**

Sanjeet/-

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| AFR/NAFR          | NAFR       |
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