

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.1483 of 2017

Arising Out of PS. Case No.-217 Year-2017 Thana- FATUA District- Patna

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1. Sunny Kumar, S/o Sri Jhalak Rai, Resident of Village - Chandpura, P.S. - Fatehpur, District - Vaishali.
 2. Devbarat Rai, S/o Brijnandan Rai, Resident of Village-Purushottampur, P.S. Rustampur, District - Vaishali.

... .. Petitioners

Versus

1. The State of Bihar through the Principal Secretary, Excise Department, Patna
2. The Superintendent of Police, District - Patna.
3. Abinash Kumar Singh, Inspector of Police cum Officer Incharge of Fatuha Police Station, District- Patna.
4. Sanjay Kumar, Sub Inspector of Police cum Officer Incharge of Fatuha Police Station, District - Patna

... .. Respondents

Appearance :

For the Petitioners : Mr. Dharendra Kumar Sinha, Advocate
For the Respondent/s : Mr. Vivek Prasad, G.P.-7

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

2 14-03-2023

Heard the parties.

This application has been filed for quashing of F.I.R. vide Special Case No. 2576 of 2017, arising out of Fatua P.S. Case No. 217 of 2017 pending in the Court of learned In-charge Special Judge, Excise, Patna.

Learned counsel for the petitioners is unable to give the stage of the case. It seems that the petitioners have lost interest in the matter. Further, from reading of the F.I.R., it appears that *prima facie* case is made out against the petitioners.



Therefore, the F.I.R. cannot be quashed in view of law laid down by the Hon'ble Supreme Court in the case of *M/s Neeharika Infrastructure Pvt. Ltd. vs. State of Maharashtra and others* reported in *(2020) 10 SCC 118*.

Accordingly, this application is dismissed.

(Sandeep Kumar, J)

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