

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.28646 of 2023**

Arising Out of PS. Case No.-241 Year-2023 Thana- RUPASPUR District- Patna

ADITYA PRAKASH SINHA Son of Late Satyadev Prakash Sinha Resident  
of Flat no. 131 Building No.-1, Arrah Garden Residences, Arrah Garden  
Road, Off Bailey Road, Rukunpura, PS-Rupaspur, Distt -Patna

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Sumit Shekhar Pandey, Advocate

For the Opposite Party/s : Mr.Veena Kumari Jaiswal, APP

For the State : Mr. Jharkhandi Upadhyay, APP

**CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR**

ORAL ORDER

2      04-05-2023                      The documents produced by learned counsel for the  
petitioner are taken on record.

Heard learned counsel for the petitioner and learned  
APP for the State.

This application has been filed for quashing of F.I.R  
vide Rupaspur P.S. Case No. 241 of 2023 registered for offences  
under Section 30(a) of Bihar Prohibition and Excise  
(Amendment) Act, 2018.

On the direction of this Court, the Station House  
Officer of Rupaspur along with Investigating Officer of the case  
has appeared before this Court.

It has been submitted by learned counsel for the  
petitioner that flat in question from which liquor was recovered  
does not belong to the petitioner. Today, learned counsel for the  
petitioner has produced a possession letter dated 1<sup>st</sup> July, 2013  
issued in the name of Ms. Renuka Sinha and has submitted that



flat in question belongs to Renuka Sinha. In support of the same, he also produced a receipt issued by Patna Municipal Corporation from which it appears that flat in question has been mutated in name of Ms. Renuka Sinha.

Considering the above, *prima facie* it appears that flat in question does not belong to the petitioner.

At the time of registering F.I.R, the police should have enquired from office of the society as to the ownership of the flat in question, thereafter made the owner of the flat in question as an accused. The petitioner is given liberty to produce the ownership documents to the Investigating Officer of the case. The I.O of the case will verify the documents and then investigate the matter and come to a finding about the ownership of the flat and then he will proceed against the petitioner. Till such a finding is arrived at and the investigation is completed on this issue, no coercive steps shall be taken against the petitioner.

With the aforesaid observation and direction, this application is disposed of.

**(Sandeep Kumar, J)**

Harsh/

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