

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.1059 of 2022

Arising Out of PS. Case No.-600 Year-2020 Thana- MASAUDHI District- Patna

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Anil Singh @ Anil Kumar Singh S/O Late Mehendra Singh Resident Of
Village- Dariyapur, P.O.- Bhaiswan, P.S.- Masaurhi, District- Patna.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The Senior Superintendent Of Police, Patna.
3. The Sub- Divisional Officer, Masaurhi Police Station, Patna
4. The Station House Officer, Masaurhi Police Station, Patna

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Prashant Sinha, Adv.
For the Respondent/s : Mr. Md. Nadim Seraj, GP5

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 02-05-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The present writ application has been filed for
quashing of the F.I.R. bearing Masaurhi P.S. Case No. 600 of
2020 dated 28.09.2020 lodged under Section 30(a) of Bihar
Prohibition and Excise Act.

Counsel submits that petitioner is innocent and the
premises on which the wine is alleged to be recovered, has been
seized by order of competent authority and for opening of the
seized premises, a title suit is pending. Counsel for petitioner
fairly submits that his anticipatory bail application has been
dismissed up to Hon'ble Supreme Court but he submits that
petitioner is innocent and he is in a position to show by virtue of

documents about his innocence.

Counsel for State submits that liberty may be given to petitioner to represent himself before the Senior Superintendent of Police, Patna (respondent no.2) within four weeks, in the light of order passed in **Surendra Singh Vs. State of Bihar and Ors. in Cr.WJC No.153 of 2017** with analogous cases decided on 09.09.2017.

In the above facts and circumstances, this Court is not inclined to interfere in the F.I.R. and not ready to quash it. But by virtue of litigation on the premises, this Court feels that it shall be proper for the petitioner that he shall visit before the Superintendent of Police, Patna in the light of **Surendra Singh Vs. State of Bihar and Ors. in Cr.WJC No.153 of 2017**, who shall take decision in this matter and shall consider the documents filed by the petitioner. Since the anticipatory bail of the petitioner has already been rejected therefore, the petitioner shall be at liberty to represent himself before the Superintendent of Police, Patna with his counsel.

With this Criminal Writ Application is hereby disposed off.

(Dr. Anshuman, J.)

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