

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.1458 of 2017

Arising Out of PS. Case No.-297 Year-2017 Thana- SHASTRINAGAR District- Patna

Tribhuwan Nath Roy S/o Late Pashupati Nath Roy, Resident of House No.23,
Road No.5, East Patel Nagar, PO and PS- Shastrinagar, Patna- 800023.

... .. Petitioner/s

Versus

1. The State of Bihar, through the D.G.P. of Bihar, Patna.
2. The Senior Superintendent of Police, Patna.
3. The Officer Incharge, Shastrinagar Police Station, Patna.
4. The Principal Secretary, Dept. of Excise, Registration and Prohibition, Bihar, Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Dhananjay Kumar Upadhyay, Adv.
For the Respondent/s : Mr. Akash Chaturvedi, AC to SC-11.

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

4 26-04-2023 Heard learned counsel for the petitioner and learned
counsel for the State.

The present Cr. Writ Petition has been filed for quashing of F.I.R. bearing Shastrinagar P.S. Case No. 297 of 2017 registered under Sections 30(a), 38, 47 & 54 of the Bihar Prohibition and Excise Act, 2016 dated 30.05.2017.

Learned counsel for the petitioner submits that petitioner is an old aged person, at the time of filing of present writ petition his age was 74 years and presently he is aged about 80 years. He further submits that from the content of F.I.R., it is clear that the accused persons who have been apprehended by



the Police had disclosed that on the instance of one Madhuresh Sharma they are used to doing this work which is in violation of the Excise Act, thus the apprehended accused persons had also revealed that the said Madhuresh Sharma is residing in House No. 23, Road No.5, East Patel Nagar, Shastrinagar on rent which is of the present petitioner. Learned counsel submits that petitioner is landlord of the said house and a retired government official and sufficient income of his own, he is unnecessarily being dragged in this case. He further submits that by virtue of order passed by this Hon'ble Court on 02.11.2017 direction has been given not to take any coercive step against the present petitioner and at this juncture learned counsel submits that the present case so far as the involvement of petitioner is concerned is not true.

Learned counsel for the State is also not in a position to ascertain this Court about the correct position of the case.

In the facts and circumstances, petitioner is directed to file representation before the Superintendent of Police, Patna in the light of order passed in the case of ***Surendra Singh Vs. State of Bihar and others*** on 09.09.2022 in ***Cr. W.J.C. No. 153 of 2017*** with analogous cases within four weeks from the date of passing of this order.



The Superintendent of Police, Patna is directed to pass appropriate order in the light of order passed in the case of ***Surendra Singh Vs. State of Bihar and others*** on 09.09.2022 in ***Cr. W.J.C. No. 153 of 2017*** with analogous cases upon considering the materials relating to proof of innocence of petitioner in relation to the present case at the earliest, and if it has come that there is no involvement of petitioner in this case, the Superintendent of Police, Patna shall direct to the concerned official to file final report under Section 173(2) of Cr.P.C.

Till filing of final report under Section 173(2) of Cr.P.C. order of no coercive step shall continue against the petitioner in the light of interim protection granted to the petitioner vide order dated 02.11.2017.

With the aforesaid direction, the present Cr. Writ Petition is hereby disposed off.

(Dr. Anshuman, J.)

ritik/-

U		T	
---	--	---	--

