

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67123 of 2023

Arising Out of PS. Case No.-549 Year-2017 Thana- KOTWALI District- Patna

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SUJIT KUMAR JHA @ SUJIT KUMAR son of Sri Ghanshyam Jha R/o-
Weaker Section 11/125, Lohiya Nagar Ps- Kankarbagh Dist- Patna

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Madhav Jha

For the Opposite Party/s : Mr.Gulnar Begum

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CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

2 23-07-2024 This application has been filed for quashing of the

impugned order dated 17.03.2018 passed by the Special Excise

Court, Patna in Spl. No. 6985 of 2017 arising out of Kotwali

P.S. Case No. 549/2017.

2. From perusal of the F.I.R., it appears that the liquor
was being consumed in the hotel by a customer. The customer
has also accepted this fact. He has said that two bottles of liquor
was brought by him from Calcutta and from the materials
available on record it appears that the petitioner had no hand in
the consumption of liquor by a customer in a closed room.

3. After investigation, charge sheet has been
submitted against the petitioner and cognizance has been taken.

4. From the materials available on record, in my



opinion no offense is made out against the petitioner who is an employee of the hotel in which the customer was caught drinking in his room.

5. In view of the above discussions, this application is allowed with regard to this petitioner only. The impugned order dated 17.03.2018 passed by the Special Excise Court, Patna in Spl. No. 6985 of 2017 arising out of Kotwali P.S. Case No. 549/2017 is hereby quashed.

6. This application stands allowed.

(Sandeep Kumar, J)

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