

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, P.O. & P.S.- Shastrinagar, Patna- 800023.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sandeep Kumar, Advocate
: Mr. Dhananjay Kumar Upadhyay, Advocate
For the State : Mr. Madhuranand Jha, APP

CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL ORDER

2 13-07-2017 It is submitted by Mr. Sandeep Kumar, learned counsel
appearing on behalf of the petitioner that even if the entire
allegations made in the first information report are accepted to be
true, no offence under the provisions of Bihar Prohibition and
Excise Act, 2016 would be made against the petitioner.

Be that as it may, since the impugned order is passed by the Special Judge, Excise, Patna, in view of Section 89 of the Bihar Prohibition and Excise Act, 2016 only appeal and not an application under Section 438 of the Code of Criminal Procedure would lie before this Court.

At this stage, learned counsel for the petitioner sought leave to withdraw the present application in order to file appeal



against the order dated 15.06.2017 passed in Shashtri Nagar P.S.

Case No.297 of 2017 by the Special Judge, Excise, Patna.

Leave is granted.

The application is disposed of.

(Ashwani Kumar Singh, J)

Md.S./-

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