

**IN THE HIGH COURT OF JUDICATURE AT PATNA**

**Criminal Miscellaneous No.8706 of 2018**

Arising Out of PS.Case No. -37 Year- 2016 Thana -GOH District- AURANGABAD

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1. Krishna Murari, Son of Vinay Kumar Singh @ Vinay Prasad Singh.
  2. Bipul Prasad @ Bipul Prasad Singh, Son of Ram Naresh Prasad Singh,
  3. Vijay Sao, Son of Baran Sao,
  4. Sanjeev Prasad Singh, Son of Nirmal Prasad Singh.
  5. Ritesh Kumar Singh @ Nitesh Kumar Singh, Son of Vijay Prasad Singh.
  6. Bhola Prasad Singh, Son of Late Jai Prakash Singh,
  7. Viraj Prasad Sinha @ Viraj Prasad Singh, Son of Ram Naresh Sinha.
  8. Ashok Prasad Singh, Son of Late Krishna Kumar Singh @ Late Krishna Prasad Singh.
  9. Rupesh Kumar Singh, Son of Sudhir Prasad Singh.
  10. Jai Prasad Singh, Son of Late Krishna Kumar Singh.
  11. Chitrnanjan Kumar, Son of Nawal Prasad Singh,
  12. Manish Kumar, Son of Prakash Prasad Singh,
  13. Rajeev Kumar, Son of Nirmal Prasad Singh.
  14. Deo Narain Sao, Son of Late Lakhan Sao,
  15. Saryu Prasad Singh, Son of Brij Kishore Prasad Singh @ Brij Kishore Singh,
  16. Mukund Prasad Singh, Son of Late Krishna Kumar Singh @ Late Krishna Prasad Singh.
  17. Shatrughan Kumar, Son of Naresh Paswan.
  18. Manju Devi, Wife of Prakash Prasad Singh.
  19. Prakash Prasad Singh, Son of Late Krishna Nandan Prasad Singh,
- All above are resident of Village-Sheikhpura, Police Station:-Goh, District-Aurangabad.
20. Sanjay Kumar Singh, Son of Late Rameshwar Prasad Singh, Resident of Village-Chitab, Police Station: Amas, District- Gaya.

.... .... Petitioners

Versus

The State of Bihar.

.... .... Opposite Party

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**Appearance :**

For the Petitioner/s : Mr. Kumar Dharendra Pratap Singh, Advocate

For the Opposite Party/s : Dr. Kumar Uday Pratap, APP

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**CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH**

**ORAL JUDGMENT**

**Date: 30-08-2018**

This application under Section 482 of the Code of Criminal Procedure has been filed by the petitioners for quashing



the order dated 14.12.2017 passed by the learned Special Judge, Excise, Aurangabad in Goh P.S. Case No.37 of 2016 whereby he has taken cognizance of the offences punishable under Sections 395, 397, 323, 353, 412, 171D, 171F, 504, 120B of the Indian Penal Code and Section 53(C) of Bihar Prohibition and Excise Act.

2. In view of the statutory provision of appeal as prescribed under Section 89 of the Bihar Prohibition and Excise Act, 2016, in the opinion of this Court, an application under Section 482 of the Code of Criminal Procedure challenging an order passed by the learned Special Judge in a case arising out Bihar Prohibition and Excise Act, 2016 shall not be maintainable.

3. Accordingly, the application is dismissed as not maintainable with liberty to the petitioners to assail the order, if so advised, by way of filing an appeal in accordance with law.

**(Ashwani Kumar Singh, J.)**

Sanjeet/-

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| AFR/NAFR          | NAFR       |
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