

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.26522 of 2018

Arising Out of PS.Case No. -423 Year- 2017 Thana -DIGHA District- PATNA

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1. Rajib Dey @ Rajeev De son of Ranjeet Day, resident of 140, Nilganj Road, Kolkata and presently residing at Gokul Aardhna Plaza, Flat No. 102, Kankarbagh, P.S. - Kankarbagh, District - Patna.
 2. Bishal Kumar Dubey son of Manoj Dubey, resident of village + P.O.- Gobarvera, P.S. - Loriya, District - West Champaran and presently residing at 219/B, Nehru Nagar, P.S. - Patliputra, District - Patna.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Tuhin Shankar, Advocate
For the State : Mr. Shyameshwar Dayal, APP

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL JUDGMENT
Date: 31-08-2018

This application under Section 482 of the Code of Criminal Procedure has been filed by the petitioners for quashing the order dated 30.03.2018 passed by the Special Judge, Excise, Patna in Special Case 8217 of 2017 arising out of Digha P.S. Case No.423 of 2017 by which cognizance has been taken under Sections 30(g), 35(e) and 35(d) of the Bihar Prohibition and Excise Act, 2016 (For short 'the Act').

2. Section 89 of the Act provides that any person aggrieved by any order of Special Court may, within forty five days from the date of order, prefer an appeal in the High Court.



3. In the present case, since the order impugned has been passed by the Special Court in the matter arising out of the Act, an application under Section 482 of the Code of Criminal Procedure would not be maintainable. In case the petitioner is aggrieved by the order of the Special Court, he may file an appeal as provided under Section 89 of the Act.

4. Accordingly, this application is disposed of as not maintainable.

(Ashwani Kumar Singh, J)

Md.S./-

AFR/NAFR	NAFR
CAV DATE	N.A.
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