

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.27888 of 2018

Arising Out of PS.Case No. -23 Year- 2017 Thana -JAMALPUR District- MUNGER

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Mangal Mukesh Prabhakar @ Tinku Son of Late Mundrika Das Dhusia,
Resident of Mohalla-Chhoti Keshopur, Faridpur Road, Police Station-
Jamalpur, District-Munger.

.... Petitioner

Versus

1. The State of Bihar through Superintendent of Police, Munger.
2. Mukesh Kumar, Son of not Known, S.H.O. Faridpur O.P. (Jamalpur P.S.), District-Munger.

.... Opposite Parties

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Appearance :

For the Petitioner/s : Mr. Makardhwaj Upadhyay, Advocate,
Mr. Ratnakar Ambasthya, Advocate.
For the State : Mr. Jharkhandi Upadhyay, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL JUDGEMENT

Date : 25-08-2018

This application under Section 482 of the Code of Criminal Procedure has been filed by the petitioner for quashing the order dated 23.03.2018 passed in Jamalpur P.S. Case No. 23 of 2017 registered under Section 30(a) of the Bihar Prohibition and Excise Act, 2016 (for short 'the Act') by learned Special Judge (Excise), Munger whereby he has rejected the petition dated 03.02.2018 filed by the petitioner for discharge from the case.

2. Section 89 of the Act provides that any person



aggrieved by any order of Special Court may, within 45 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.

5. However, the petitioner would be at liberty to challenge the order impugned by way of filing an appeal in accordance with law.

6. In case the petitioner submits a photostat copy of the impugned order, the registry shall return the impugned order to the counsel for the petitioner after retaining the photocopy on record.

(Ashwani Kumar Singh, J.)

Kanchan/Sneha

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	28.08.2018
Transmission Date	28.08.2018

