

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.3132 of 2018

Arising Out of PS.Case No. -30 Year- 2017 Thana -KHANPUR District- SAMASTIPUR

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Gopal Thakur son of Manoj Thakur, resident of Ratanpur, P.S.- Kamtaul, District- Darbhanga.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bhaskar Shankar, Advocate
: Mr. Mithilesh Kumar Singh, Advocate
: Mr. Saket Kumar Singh, Advocate
For the State : Smt. Sucheta Yuadav, APP

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

ORAL JUDGMENT

Date: 12-02-2018

In the present application preferred under Section 482 of the Code of Criminal Procedure the petitioner is aggrieved by the order dated 23.09.2017 passed by the learned Additional Sessions Judge-2-cum- Special Judge, Excise Act, Samastipur in Khanpur P.S. Case No.30 of 2017 whereby he has taken cognizance of the offence, inter alia, under Sections 30(a), 35(a), 38(1)(2), 40 and 47 of the Bihar Prohibition and Excise Act, 2016 (for short 'Excise Act, 2016').

2. Section 89 of the Excise Act, 2016 stipulates that any person aggrieved by any order of the Special Court may, within forty days from the date of order, prefer an appeal in the High Court.

3. In my considered opinion, in view of the statutory



provision prescribed under Section 89 of Excise Act, 2016, an application under Section 482 of the Code of Criminal Procedure against the order of cognizance passed by the Special Judge, Excise Act shall not be maintainable. Accordingly, it is dismissed as not maintainable.

4. However, it would be open to the petitioner to challenge the order impugned in accordance with law.

(Ashwani Kumar Singh, J)

Md.S./-

AFR/NAFR	NAFR
CAV DATE	N/A
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