

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3006 of 2018

Arising Out of PS. Case No.-20 Year-2015 Thana- GOVERNMENT OFFICIAL COMP.
District- Sitamarhi

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Achhelal Manjhi Son of Ganesh Manjhi, Resident of Village- Dhangartoli
Patahi, Police Station- Bairstania, District- Sitamarhi.

... .. Petitioner/s

Versus

The State Of Bihar Through The Principal Secretary, Excise Department,
Govt. Of Bihar, Patna

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Anil Kumar, Advocate

For the Opposite Party/s : Ms. Nirmala Kumari

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

2 19-11-2019 The petitioner seeks quashing of the order dated 07.12.2015 passed by the learned Chief Judicial Magistrate, Sitamarhi in connection with Excise Case No. C2-20 of 2015 whereby cognizance has been taken under Section 47(a) of the Excise Act.

The basic ground of challenge is that the seizure was made on 30.09.2015 but the matter was brought before the Magistrate about 2½ months on 07.12.2015. There are other lapses in the prosecution version as well.

This Court is afraid that these are no good



grounds for quashing the order of cognizance.

The petitioner would be at liberty to raise all these grounds at the appropriate stage, if so advised and desired.

The petition is dismissed with the aforesaid observation.

(Ashutosh Kumar, J)

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