

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4560 of 2019

Arising Out of PS. Case No.-210 Year-2016 Thana- BAIRIYA District- West Champaran

RINKU GOLDAR Son of Badri Prasad Resident of Village- Khiriyaghat,
Subhash Chawk, P.S.- Bairiya, District- West Champaran.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Bimlesh Kumar Pandey
For the Respondent/s	:	Mr. Abhay Kumar

CORAM: HONOURABLE MR. JUSTICE ARVIND SRIVASTAVA
ORAL ORDER

4 31-08-2022 Heard learned counsel for the appellant and learned
Additional Public Prosecutor for the State.

This memo of appeal has been filed against the order dated 25.07.2019 passed by the learned Special Judge, Excise, Bettiah, West Champaran in connection with Trial No. 395 of 2017 arising out of Bairiya P.S. Case No. 210 of 2016 for the offence under Sections 38(ii), 41(i), 41(i)(2)/44(i) of the Bihar Prohibition and Excise Act, whereby and whereunder the charge has been framed against the appellant without hearing and without giving opportunity of being heard to the appellant.

Submission of learned counsel for the appellant is that the order framing charge was passed without hearing the appellant and as such, the order under challenge is fit to be set

aside.

Learned Additional Public Prosecutor appearing on behalf of the State opposed the prayer of the appellant by contending that neither any discharge petition was filed on behalf of the appellant nor any point/ground has been raised on which the appellant wants hearing.

Having considered the above facts and circumstances of the case and the submissions advanced on behalf of the State as well as in absence of any specific ground on which the appellant wants hearing, this Court does not find any merit in the appeal. Accordingly, this appeal is hereby dismissed.

(Arvind Srivastava, J)

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