

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20226 of 2020

Arising Out of PS. Case No.-161 Year-2020 Thana- GOVERNMENT OFFICIAL COMP.
District- Aurangabad

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Nandu Yadav aged about 40 yrs, son of Late Krishna Yadav, resident of
village Domanbiga, P.S- Muffasil Aurangabad, Dist- Aurangabad

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Santosh Kumar Pandey
For the Opposite Party/s : Mr.Anant Kumar 1

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**CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA**

ORAL ORDER

2 20-08-2020 The defect as pointed out by the office be ignored

because the Excise case number has been mentioned in the

impugned order.

Heard learned counsel appearing for the petitioner as

well as learned counsel for the State through video

conferencing.

Petitioner apprehends her arrest in connection with

Excise Case No. 161 of 2020 registered for the offences

punishable under sections 30(a) of the Bihar Prohibition and

Excise Act 2018.

According to the the prosecution case, the recovery

of liquor was made from the house of the petitioner but

submission on behalf of the petitioner is that the house in



question does not have any door or roof and as a matter of fact, petitioner never resides in the said house.

In my view, the written report discloses offence punishable under Bihar Prohibition and Excise Amendment Act 2018 and, therefore, this petition filed under section 438 of the Cr.P.C is not maintainable.

Accordingly, this petition stands dismissed being not maintainable.

(Hemant Kumar Srivastava, J)

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