

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.87076 of 2019

Arising Out of PS. Case No.-812 Year-2019 Thana- LAKHISARAI District- Lakhisarai

Om Mandal @ Om Nandal S/o Late Janardan Mandal R/o Village- Vyam
Thala Gali, P.S.- Kawaiya, Distt- Lakhisarai.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Md. Irshad

For the Opposite Party/s : Mr.Sanjay Kumar

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

ORAL ORDER

2 20-02-2020 Heard learned counsel for the petitioner as well as
learned Additional Public Prosecutor for the State.

Petitioner apprehends his arrest in connection with
Lakhisarai P.S. Case No. 812 of 2019 registered for the offences
punishable under Sections 30(a), 38(ii) of Bihar Prohibition and
Excise Act, 2016.

Submission on behalf of the petitioner is that so-called
recovery is said to have been made from an abandoned house
but taking note of this fact that according to prosecution case,
the alleged recovery of Indian made foreign liquor has been
made from the house of the petitioner, in my view, this petition
is hit by Section 76(2) of Bihar Prohibition and Excise Act,
2016. Accordingly, this petition stands dismissed being not



maintainable.

However, it is made clear that if petitioner surrenders before the court below and seeks regular bail within six weeks from today, the concerned court shall consider the regular bail application of the petitioner on its own merit without being prejudiced by this rejection order.

(Hemant Kumar Srivastava, J)

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