

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2348 of 2022

Arising Out of PS. Case No.-9 Year-2021 Thana- CHORAUT District- Sitamarhi

Saket Kumar Sah @ Shalu Kumar @ Sanket Kumar Sah Son Of Late Jay
Krishna Sah R/O Village- Yadupatti, P.S.- Choraut, District- Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Ram Naresh Ray, APP.

**CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR
PANDEY**

ORAL ORDER

2 05-08-2022 The learned counsel for the petitioner is directed to
remove all the defects pointed out by the office within one
month.

Heard the learned counsel for the petitioner as well as
the learned Additional Public Prosecutor for the State.

The petitioner apprehends his arrest in connection with
Choraut P.S. Case No. 09 of 2021 registered under Sections 30
(a) of Bihar Prohibition and Excise Act.

The learned counsel for the petitioner has submitted
that 16 liters of liquor was recovered from a bush situated in the
land of Gulzar Ansari. Petitioner is not named in the F.I.R.,
nothing has been recovered from his possession and he is a
person of clean antecedent.



Be that as it may, Section 76 (2) of the Bihar Prohibition and Excise Act, 2016 makes an explicit embargo on entertaining the application under Section 438 of the Cr.P.C.

Since the provision of Section 438 of the Cr.P.C. is not applicable in respect of offences under the Bihar Prohibition and Excise Act, 2016, as such, this anticipatory bail application is disposed of with observation that if the petitioner surrenders before the Court below and makes a prayer for regular bail that shall be disposed of without being prejudiced by this order. The learned Court below may take notice of the fact that the petitioner is a person of clean antecedent and nothing was recovered from his possession.

Office shall ensure that all defects are removed by the petitioner within the stipulated time mentioned hereinabove, failing which, the matter shall be brought to the notice of this Court.

(Nawneet Kumar Pandey, J)

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