

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2310 of 2022

Arising Out of PS. Case No.-58 Year-2021 Thana- BOCHAHAN District- Muzaffarpur

RAHUL KUMAR S/O KANTLAL RAI R/o village- Bishambharpatti, P.S.-
Hathauri, District- Muzaffarpur

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Devendra Kumar

For the Opposite Party/s : Mr.A.G.

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

ORAL ORDER

2 04-08-2022 Learned counsel for the petitioner is directed to remove
all the defects pointed out by the Stamp Reporter within one month.

Heard learned counsel for the petitioner as well as the
learned APP for the State.

The petitioner apprehends his arrest in connection with
Bochaha P.S. Case No. 58 of 2021, registered for the offences
punishable under Section 272/273 of the Bihar Prohibition and
Amendment Excise Act, 2016.

Learned counsel for the petitioner has submitted that
nothing was recovered from the possession of the petitioner rather
the co-accused persons from whose possession the liquor was
recovered had named the present petitioner.

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., as such, this anticipatory bail application is not maintainable.

If the petitioner surrenders before the court below and makes a prayer for regular bail, that shall be disposed of on the same day of its filing, 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.

With these observations, the criminal miscellaneous petition is disposed of.

Office shall ensure that all defects are removed by the petitioner within the stipulated time provided in para-1 hereinabove, failing which the matter shall be brought to the notice of this Court.

(Nawneet Kumar Pandey, J)

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