

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4557 of 2022

Arising Out of PS. Case No.-204 Year-2019 Thana- MEHANDIGANJ District- Patna

VICKY KUMAR S/o Gore Singh Resident of Gajipur, P.S. - Giriyak,
Pawapuri (O.P.), District - Nalanda.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Raj Krishan Jha

For the Opposite Party/s : Mr.Shailendra Kumar, APP

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

ORAL ORDER

2 12-08-2022 The learned counsel for the petitioner is directed to

remove all the defects pointed out by the Stamp Reporter within

one month.

Heard the learned counsel for the petitioner and
learned APP for the State through video conferencing.

The petitioner apprehends his arrest for the
offences alleged under Section 30(a) of the Bihar Prohibition
and Excise Act, registered in connection with Mehdiganj
P.S.Case No. 204 of 2019.

Learned counsel for the petitioner has submitted that
the petitioner was not arrested at the spot. Nothing was
recovered from his possession and his name has figured in the
confessional statement of co-accused. The petitioner 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. Hence the application is dismissed as not maintainable.

If the petitioner surrenders and seeks regular bail before the court below, the same shall be disposed of on its own merit, without being prejudiced by this order.

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

(Nawneet Kumar Pandey, J)

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