

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(From The Official Chambers Via Video Conferencing)
CRIMINAL MISCELLANEOUS No.15878 of 2021**

Arising Out of PS. Case No.-180 Year-2019 Thana- GOVERNMENT OFFICIAL COMP.
District- Patna

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ARBIND KUMAR Son of Bishundev Rai R/O- Upaharpura, P.S. -
Phulwarisharif, District - Patna.

... .. Petitioner

Versus

THE STATE OF BIHAR

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr.Ghanshyam Tiwary, Adv.

For the Opposite Party/s : Mr. B.N.Pandey, APP

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

ORAL ORDER

2 18-01-2022 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

learned APP for the State assisted by the learned counsel for the

informant.

The petitioner apprehends his arrest in connection

with Rupaspur P.S. P.R. Case No. 180 of 2019, registered for the

offences punishable under Sections 30(a), 32(i), 3, 41(i), 41(2)

of the Bihar Prohibition and Amendment Excise Act, 2018.

As submitted, the alleged liquor was recovered from

the house of co-accused Mukku Kumar who disclosed the name



of the petitioner as one of the culprit indulged in illegal transaction of illicit liquor.

Learned counsel for the petitioner has submitted that the liquor was not seized from the conscious possession of present petitioner but considering the fact that by virtue of Section 76 (2), the provisions of 438 Cr.P.C. are not applicable. As such, the petitioner is directed to surrender before the court below and pray for regular bail.

The trial court shall dispose of the bail petition of the petitioner in case of his surrender on the same day without being prejudiced by this order.

With these observations, the present 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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