

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.5751 of 2022**

Arising Out of PS. Case No.-324 Year-2021 Thana- KOTWA District- East Champaran

1. YADAV DHANGAR Son of Late Tilak Dhangar Resident of Village - Dipau Dhangar Toli, P.s.- Kotwa, Distt.- East Champaran.
2. Shivpujan Dhangar Son of Late Tilak Dhangar Resident of Village - Dipau Dhangar Toli, P.s.- Kotwa, Distt.- East Champaran.
3. Jitendra Dhangar @ Jitendar Dhagad Son of Nandu Dhangar Resident of Village - Dipau Dhangar Toli, P.s.- Kotwa, Distt.- East Champaran.
4. Shrikanti Devi @ Shrikamti Devi D/o late Tilak Dhangar Resident of Village - Dipau Dhangar Toli, P.s.- Kotwa, Distt.- East Champaran.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

**Appearance :**

For the Petitioner/s : Mr.Karandeep Kumar  
For the Opposite Party/s : Mr.A.G.

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

ORAL ORDER

2      23-08-2022      Learned counsel for the petitioners is directed to remove all the defects pointed out by the Stamp Reporter within one month.

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

The petitioners apprehend their arrest in connection with Kotwa P.S. Case No. 324 of 2021, registered for the offences punishable under Section 30(a)(b)(c) of the Bihar Prohibition and Amendment Excise Act, 2018.

Learned counsel for the petitioner has submitted that the petitioners are the persons of clean antecedents and as per allegation the illicit liquor in a very meagre quantity was recovered from the



possession of petitioner No. 4.

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 petitioners surrender before the court below and make 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 petitioners are the persons of clean antecedents.

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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