

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7598 of 2022

Arising Out of PS. Case No.-268 Year-2021 Thana- MAHARAJGANJ District- Siwan

AJAY KUMAR CHAUDHARY Son of Kishun Chaudhary Resident of
Village - Indauli, P.s.- Maharajganj, Distt.- Siwan.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rajiv Kumar

For the Opposite Party/s : Mr.Braj Kishore Pd.(APP)

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

ORAL ORDER

2 29-08-2022 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.

The petitioner apprehends his arrest for the

offences alleged under Sections 272 and 273 of the Indian Penal

Code and Section 30(a) of the Bihar Prohibition and Excise Act,

2016, registered in connection with Maharajganj P.S.Case No.

268 of 2021.

Learned counsel for the petitioner has submitted that

nothing was recovered from his possession. His name has

figured in the confessional statement of co-accused 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. hence it is not maintainable.

If the petitioner surrenders and seeks regular bail before the court below, that shall be disposed of on its own merit on the same day, 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.

With these observations, the application stands disposed of.

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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