

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7544 of 2022

Arising Out of PS. Case No.-53 Year-2021 Thana- KALER District- Jehanabad

GAUTAM KUMAR Son of Surendra Singh Resident of Village- Hichhan
Bigha, P.S.- Daudnagar, District- Aurangabad.

... .. Petitioner

Versus

THE STATE OF BIHAR

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Ranjay Kumar Singh
For the Opposite Party/s : Mr.Upendra Kumar

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

ORAL ORDER

2 25-08-2022 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 petitioner apprehends his arrest in connection with
Kaler P.S. Case No. 53 of 2021, registered for the offences
punishable under Section 30(a) of the Bihar Prohibition and
Amendment Excise Act, 2016.

Learned counsel for the petitioner has submitted that the
name of the petitioner has been figured in the confessional statement
of co-accused and he is a person of clean antecedent. Nothing was
recovered from the possession of the 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, on its own merit 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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