

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7593 of 2022

Arising Out of PS. Case No.-161 Year-2021 Thana- GOVERNMENT OFFICIAL COMP.
District- Purnia

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RAJESH RANJAN YADAV @ RAJESH KUMAR YADAV

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Chandra Shekhar Anand
For the Opposite Party/s : Mr.Dashrath Mehta

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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 Section 30(a) of the Bihar Prohibition and Excise Act, 2016 registered in connection with Case No. CI-161 of 2021 P.R.No. 11 of 2021.

Learned counsel for the petitioner has submitted that the petitioner is a *bona fide* owner of the motor-cycle wherefrom 36 litres of liquor was recovered. He has submitted further that the petitioner is not arrested at the spot 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 the same day, without being prejudiced by this order. The learned court below may take notice of the fact that the petitioner is merely a *bona fide* owner of the motor-cycle and he 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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