

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7509 of 2022

Arising Out of PS. Case No.-361 Year-2021 Thana- GOGRI District- Khagaria

1. MANTU YADAV Son of Upendra Yadav Resident of Village - Bhuriya
Diyara, P.S. - Gogri, District - Khagaria.
2. Ghanshyam Yadav Son of Upendra Yadav Resident of Village - Bhuriya
Diyara, P.S. - Gogri, District - Khagaria.

... .. Petitioner

Versus

THE STATE OF BIHAR

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Indrajit Kumar

For the Opposite Party/s : Mr.Arun Kumar(App)

**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.

At the outset, learned counsel for the petitioner has
submitted that petitioner No. 1 has been arrested during pendency of
this bail petition. He, therefore seeks permission to withdraw the
anticipatory bail petition in respect of petitioner No. 1.

In view of the aforesaid, the anticipatory bail petition of
petitioner No. 1 is dismissed as withdrawn.

The petitioner No. 2 apprehends his arrest in connection
with Gogri P.S. Case No. 361 of 2021, registered for the offences
punishable under Sections 30(a) of the Bihar Prohibition and



Amendment Excise Act, 2018.

As per allegation, two litres of liquor were recovered from the joint house 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.

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.

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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