

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9110 of 2022

Arising Out of PS. Case No.-216 Year-2021 Thana- KUTUMBA District- Aurangabad

NAGENDRA KUMAR Son of Vijay Yadaw Resident of Village - Amba
Shahi, P.s.- Kutumba, Distt.- Aurangabad.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Mukul Kumari

For the Opposite Party/s : Mr.Shahabuddin Azeem @ S. Azeem

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

ORAL ORDER

2 08-09-2022 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 apprehend his arrest in connection with
Kutumba P.S. Case No. 216 of 2021, registered for the offences
punishable under Section 30(a) of the Bihar Prohibition and Excise
Amendment Act, 2018.

Learned counsel for the petitioner has submitted that
petitioner is owner of the motorcycle wherefrom 42 litres of liquor
was recovered. She has submitted further that the petitioner has given
his motorcycle to his son and he is not concerned with the seized
articles.

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 he is merely owner of the motorcycle.

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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