

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9139 of 2022

Arising Out of PS. Case No.-331 Year-2021 Thana- DORIGANJ District- Saran

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AJAY RAI Son of Shaligram Rai Resident of Village - Raipur, Bindgawan,
P.s.- Doriganj, Distt.- Saran at Chapra.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Jeetendra Narayan

For the Opposite Party/s : Mr.Sharda Kumari

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CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR
PANDEY

ORAL ORDER

2 09-09-2022 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 through video conferencing.

The petitioner apprehends his arrest for the
offences alleged under Sections 30(a), 38 and 41 of the Bihar
Prohibition and Excise Act, registered in connection with
Doriganj P.S.Case No. 331 of 2021.

Learned counsel for the petitioner has submitted that
he is merely owner of the vehicle wherefrom illicit liquor in
meagre quantity was recovered. As a mater of fact, the petitioner
had given his vehicle to his relative and he was not aware of the



consignment of that vehicle. 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 merely an owner of the vehicle and had given his vehicle to his relative and was not aware of the consignment of that vehicle. 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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