

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10700 of 2022

Arising Out of PS. Case No.-832 Year-2021 Thana- PHULWARISHARIF District- Patna

RATAN MANJHI @ RAJ KUMAR MANJHI SON OF NARESH MANJHI
R/O VILLAGE- GONPURA MUSAHARI, P.S.- PHULWARISHARIF,
DISTRICT- PATNA

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Akhauri Kamal Kishore Sahay

For the Opposite Party/s : Mr.Lakshmi Kant Sharma

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

ORAL ORDER

2 13-09-2022 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 petitioners apprehend their arrest in connection with
Phulwarisharif P.S. Case No. 832 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
petitioner is a person of clean antecedent and only 10 litres of liquor
was 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., 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, 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,

(Nawneet Kumar Pandey, J)

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