

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11732 of 2022

Arising Out of PS. Case No.-283 Year-2021 Thana- SANGRAMPUR District- East
Champaran

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SUDHISH MAHTO Son of Balister Mahto Resident of Village - Koierganwa
Bin Toli, Police Station - Sangrampur, District - East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Madhurendra Kumar
For the Opposite Party/s : Mr.Amitesh Kumar

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

ORAL ORDER

2 21-09-2022 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.

The petitioner apprehends his arrest for the

offences alleged under Sections 30(a), 30(c), 32 and 41(1) of

the Bihar Prohibition and Excise (Amendment) Act, 2018,

registered in connection with Sangrampur P.S.case No. 283 of

2021.

The learned counsel for the petitioner has submitted

that 12 litres of liquor was recovered from the joint house of the

petitioner and co-accused Pappu Mahto and 200 litres of liquid



was destroyed. He has submitted further that the petitioner 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.

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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