

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10718 of 2022**

Arising Out of PS. Case No.-151 Year-2021 Thana- ASARGANJ District- Munger

AKSHAY KUMAR SON OF RAMBRIKSH RAM R/O VILLAGE- PANSHI,
P.S.- ASARGANJ, DISTRICT- MUNGER

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rakesh Kumar

For the Opposite Party/s : Mr.Anand Kishore Choudhary

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

ORAL ORDER

2 13-09-2022 Learned counsel for the petitioner is directed to remove
all the defects pointed out by the Stamp Reporter within one month.

Heard learned counsel for the petitioner as well as the
learned APP for the State.

The petitioner apprehends his arrest in connection with
Asarganj P.S. Case No. 151 of 2021, registered for the offences
punishable under Section 30(a), 32 & 45 of the Bihar Prohibition and
Amendment Excise Act, 2016.

Learned counsel for the petitioner has submitted that
nothing was recovered from the possession of the petitioner. He is a
person of clean antecedent and he is neither driver nor owner of the
tempo wherefrom the illicit liquor was recovered.

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, failing which the matter shall be brought to the notice of this Court.

(Nawneet Kumar Pandey, J)

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