

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11643 of 2022

Arising Out of PS. Case No.-250 Year-2021 Thana- GOVERNMENT OFFICIAL COMP.
District- Gopalganj

PRATAP SINGH SONI Son of Jagdish Singh Soni R/o 86, Shankar Nagar,
P.S.- Brahmpuri, District- Jaipur (Rajasthan).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ranjeet Kumar Pandey
For the Opposite Party/s : Mr.Anant Kumar 1

**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 Section 30(a) of the Bihar Prohibition
and Excise (Amendment) Act, 2018, registered in connection
with Excise Case No. 250 of 2021.

The learned counsel for the petitioner has submitted
that 65.880 litre of liquor was recovered from the dickey of a
bus, to which the petitioner is the owner. The cleaner and the
driver were arrested at the spot. Several passengers were also
present in that bus. He has submitted further that the petitioner
has falsely been implicated in this case merely because he is the
owner of the bus. He was not aware of the consignment loaded
by the *khalasi* and the driver. The petitioner is a person of
clean antecedent. He has also submitted that the said bus was
given by the petitioner to Vivek Garg thorough a power of
attorney.

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 the person of clean antecedent and he is merely owner of the bus.

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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