

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10769 of 2022

Arising Out of PS. Case No.-348 Year-2021 Thana- KADAMKUAN District- Patna

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CHHOTU KUMAR @ VIKASH KUMAR S/O RAVINDRA KAHAR @
RAVINDRA SNGH Resident of Khatal Gali, Near Durga Mandir, Tenant in
the house of Tunni Rai, P.S.- Kadamkuan, District- Patna, permanent address-
Kandhopur, Adampur, District- Nalanda

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Bipin Kumar

For the Opposite Party/s : Mr. J.N.Thakur

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

ORAL ORDER

2 14-09-2022 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 Kadamkuan P.S.Case No. 348 of 2021.

As per allegation, approximately three litres of

liquor was recovered from the tenanted portion of the petitioner.

Learned counsel for the petitioner has submitted



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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