

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11590 of 2022**

Arising Out of PS. Case No.-63 Year-2021 Thana- KADIRGANJ District- Patna

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ASHOK YADAV SON OF LATE DEV NANDAN YADAV @ DEV
NANDAN YADAV RESIDENT OF VILLAGE NARMAD(MILKI)
(BARNAMA) P.S.- PALI, DISTRICT- JAHANABAD

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shekhar Kumar Singh

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

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

ORAL ORDER

2 14-09-2022 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 learned
APP for the State.

The petitioner apprehends his arrest in connection with
Kadirganj P.S. Case No. 63 of 2021, registered for the offences
punishable under Sections 30 (a)/41 of the Bihar Prohibition and
Excise Act.

Learned counsel for the petitioner has submitted that
nothing was recovered from the possession of the petitioner. Co-
accused Kamlesh Bind was arrested carrying illicit liquor and on the
basis of confessional statement of co-accused Kamlesh Bind the case
has been lodged against the petitioner. First case is Kadirganj P.S.
Case No. 61 of 2021 and the present case is Kadirganj P.S. Case No.



63 of 2021.

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 nothing was recovered from the possession of the petitioner and he has been granted anticipatory bail in Kadirganj P.S. Case No. 61 of 2021.

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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