

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10764 of 2022

Arising Out of PS. Case No.-431 Year-2021 Thana- CHHATAUNI District- East Champaran

1. BINDU DEVI Son of Yogendra Paswan Resident of Village - Bara Bariyarpur, P.S. - Muffasil (Lakhaura), District - East Champaran.
2. Vikash Kumar S/o Yogendra Paswan Resident of Village - Bara Bariyarpur, P.S. - Muffasil (Lakhaura), District - East Champaran.
3. Ajay Paswan S/o Jhulan Paswan Resident of Village - Bara Bariyarpur, P.S. - Muffasil (Lakhaura), District - East Champaran.
4. Nayantara Devi S/o Ajay Paswan Resident of Village - Bara Bariyarpur, P.S. - Muffasil (Lakhaura), District - East Champaran.

... .. Petitioners

Versus

1. THE STATE OF BIHAR
2. VIKASH KUMAR YOGENDRA PASWAN BARA BARIYARPUR
3. AJAY PASWAN JHULAN PASWAN BARA BARIYARPUR
4. NAYANTARA DEVI AJAY PASWAN BARA BARIYARPUR

... .. Opposite Parties

Appearance :

For the Petitioner/s : Mr.Ajay Kumar Singh
For the Opposite Party/s : Mr.Gauri Shankar Gupta

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

ORAL ORDER

2 29-08-2022

Learned counsel for the petitioners is directed to remove all the defects pointed out by the Stamp Reporter within one month.

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

At the outset, learned counsel for the petitioner has submitted that petitioner Nos. 2 and 3 have been arrested during pendency of this bail petition. He, therefore, seeks permission to withdraw the anticipatory bail petition of petitioner Nos. 2 and 3.

In view of the aforesaid submission, the anticipatory bail petition in respect of petitioner No. 2 and 3 is dismissed as withdrawn.



The petitioner Nos. 1 and 4 apprehend their arrest in connection with Motihari Chhatauni P.S. Case No. 431 of 2021, registered for the offences punishable under Section 30(a) (c), 41(i) of the Bihar Prohibition and Amendment Excise Act, 2018.

Learned counsel for the petitioner has submitted that nothing was recovered from the conscious possession of the petitioners and they are the ladies of clean antecedents.

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 petitioners surrender before the court below and make a prayer for regular bail, that shall be disposed of on the same day of its filing, on its own merit without being prejudiced by this order. The learned court below may take notice of the fact that the petitioners are the ladies of clean antecedents.

With these observations, the criminal miscellaneous petition is disposed of.

Office shall ensure that all defects are removed by the petitioners 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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