

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10749 of 2022

Arising Out of PS. Case No.-1 Year-2021 Thana- GOVERNMENT OFFICIAL COMP.
District- Sitamarhi

SITARAM SAHNI S/o Nathuni Sahni R/o Village- Sauriya Bujurg, Ward No. 1, P.S.- Nanpur, District- Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Mithilesh Kumar Jha

For the Opposite Party/s : Mr.Shyameshwar Dayal

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 Excise Case No. GO-01/2021.

As per allegation, five litres of liquor and 100 kg of jaggery syrup were found from the back portion of the house of the petitioner. The jaggery syrup was destroyed during the course of recovery.

Learned counsel for the petitioner has submitted that the petitioner is a person of clean antecedent. Only five litres of liquor was recovered from the back portion of his



house. The jaggery liquid was destroyed, as such there is no evidence which shows that the jaggery liquid was present in the back portion of the house of the petitioner.

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 person of clean antecedent.

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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