

**IN THE HIGH COURT OF JUDICATURE AT PATNA  
CRIMINAL MISCELLANEOUS No.10710 of 2022**

Arising Out of PS. Case No.-359 Year-2021 Thana- PAROO District- Muzaffarpur

ACHHELAL SAH @ AKSHAY LAL SAH SON OF RAJENDRA SAH R/O  
VILLAGE- MOHIJAMA, P.S.- PAROO, DISTRICT- MUZAFFARPUR

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Bela Singh

For the Opposite Party/s : Mr.Gulnar Begum

**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 Act, registered in connection with Paroo P.S.Case  
  
No. 359 of 2021.

From the FIR, it appears that the driver of Bolero  
  
pick-up van was arrested and illicit liquor was recovered from  
  
that Bolero pick-up van. Its driver Ashok Bhagat apprised the  
  
raiding party that he hired that Bolero pick-up van from the



petitioner, who is the owner of that vehicle.

Learned counsel for the petitioner has submitted that he 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)**

HR/-

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