

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10705 of 2022

Arising Out of PS. Case No.-311 Year-2021 Thana- SABAUR District- Bhagalpur

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MANOJ MANDAL SON OF BRAHAMDEO MANDAL R/O VILLAGE-
KASIL, P.S.- GORADIH, DISTRICT- BHAGALPUR

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Manoj Kumar Jha

For the Opposite Party/s : Mr.Anant Kumar 1

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

ORAL ORDER

2 13-09-2022 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.

The petitioners apprehend their arrest in connection with
Sabour (Goradih) P.S. Case No. 311 of 2021, registered for the
offences punishable under Section 30(a) of the Bihar Prohibition and
Excise Amendment Act.

Learned counsel for the petitioner has submitted that the
petitioner is a person of clean antecedent. He is neither owner nor
driver of the vehicle wherefrom the alleged liquor was recovered.
The co-accused person has taken the name of the present petitioner
due to previous dispute with 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., 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 the petitioner is a person of clean antecedent.

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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