

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10787 of 2022

Arising Out of PS. Case No.-344 Year-2021 Thana- SONO District- Jamui

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AJIT MANDAL @ AJIT KUMAR S/o Suro @ Suresh Mandal R/o Village -
Kataharatand, P.S. Sono, District - jamui.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Amrendra Kumar
For the Opposite Party/s : Mr.Md. Shakir Ahmad

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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 the
learned APP for the State.

The petitioner apprehends his arrest in connection with
Sono P.S. Case No. 344 of 2021, registered for the offences
punishable under Sections 272, 273 of the IPC and under Section
30(a) of the Bihar Excise Prohibition and Amendment Act.

Learned counsel for the petitioner has submitted that
petitioner was not arrested at the spot. The driver of the motorcycle
was apprehended and illicit liquor of approximately 11 litres was
recovered from that motorcycle. The driver of the motorcycle
disclosed the name of the present petitioner. He has also submitted
that petitioner 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., 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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