

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11607 of 2022**

Arising Out of PS. Case No.-701 Year-2020 Thana- SUPAUL District- Supaul

MD SAJJAD Son of Md. Iliyas Resident of Village - Kariho, P.s.- Supaul,
Distt.- Supaul.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Kuldeep Kumar

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

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

ORAL ORDER

2 17-09-2022 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 apprehend his arrest in connection with
Supaul P.S. Case No. 701 of 2020, registered for the offences
punishable under Section 30(a) of the Bihar Prohibition and
Amendment Excise Act, 2016.

Learned counsel for the petitioner has submitted that the
petitioner is mere owner for the vehicle wherefrom 169.875 litres of
liquor was recovered. He has submitted that Supaul P.S. Case No.
171 of 2018 which has been mentioned in paragraph No. 3 is for
consuming the liquor and not for selling the liquor.

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, being prejudiced by this order.

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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