

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.11639 of 2022**

Arising Out of PS. Case No.-209 Year-2021 Thana- PAKRIDAYAL District- East Champaran

LALAN RAM Son of Ramdayal Ram Resident of Village - Galimpur, P.s.-  
Rajepur, Distt.- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Abhishek Kumar

For the Opposite Party/s : Mr.Asha Kumari

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

ORAL ORDER

2      16-09-2022                      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  
Pakaridayal P.S. Case No. 209 of 2021, registered for the offences  
punishable under Section 30(a) of the Bihar Prohibition and Excise  
Act.

Learned counsel for the petitioner has submitted that the  
name of the petitioner has figured in this case only because is he  
owner of the tempo wherefrom alleged liquor was recovered. The  
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, on its own merit 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 and nothing was recovered from his possession.

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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