

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 11668 of 2022

Arising Out of PS. Case No.-19 Year-2021 Thana- GOVERNMENT OFFICIAL COMP.
District- West Champaran

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HIRA LAL YADAV SON OF TAYEEL YADAV RESIDENT OF VILLAGE-
GAURIPAR, WARD NO. 4, POLICE STATION- BATHER, DISTRICT-
WEST CHAMPARAN

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shiv Kumar Dwivedy

For the Opposite Party/s : Mr. Tapeswar Sharma

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**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

learned APP for the State.

The petitioner apprehends his arrest in connection

with Balthar Excise Case No. 19 of 2021, registered for the

offences punishable under Sections 30(a) of the Indian Penal

Code.

Learned counsel for the petitioner is submitted that

petitioner is a person of clean antecedent and the motorcycle

wherefrom illicit liquor was recovered was not belonging to the



present 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.

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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