

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11679 of 2022

Arising Out of PS. Case No.-491 Year-2021 Thana- SHERGHATI District- Gaya

RAHUL KUMAR Son of Upendar Lal Resident of Village- Dobhi, Police
Station- Dobhi, District- Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Manish Kumar No.2

For the Opposite Party/s : Mr.Sanjay Kumar Pandey

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

ORAL ORDER

2 17-09-2022 The learned counsel for the petitioner is directed to

remove all the defects pointed out by the Stamp Reporter within

one month.

Heard the learned counsel for the petitioner and
learned APP for the State.

The petitioner apprehends his arrest for the
offences alleged under Section 414 of the Indian Penal Code
and Section 30(a) of the Bihar Prohibition and Excise Act, 2016,
registered in connection with Sherghati (Dobhi) P.S.Case No.
491 of 2021.

The learned counsel for the petitioner has submitted
that nothing was recovered from his possession and his name
has figured in the confessional statement of co-accused Bablu



Kumar.

The petitioner has a criminal antecedent of similar nature of case being Dobhi P.S.Case No. 497 of 2018 under Sections 414 and 34 of the Indian Penal Code and Section 30(D) of the Bihar Prohibition and Excise Act.

Since 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., hence it is not maintainable.

With these observations, the application stands disposed of.

Office shall ensure that all the defects are removed by the petitioner within the stipulated time provided hereinabove, failing which the matter shall be brought to the notice of this Court.

(Nawneet Kumar Pandey, J)

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