

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12883 of 2022

Arising Out of PS. Case No.-260 Year-2021 Thana- BALIYA District- Begusarai

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1. MUKESH CHAUDHARY SON OF LATE WAKIL CHAUDHARY R/O VILLAGE- POKHARIYA, P.S.- BALLIA, DISTRICT- BEGUSARAI
 2. SAVITRI DEVI W/O- MUKESH CHAUDHARY R/O VILLAGE- POKHARIYA, P.S.- BALLIA, DISTRICT- BEGUSARAI

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Bipin Kumar

For the Opposite Party/s : Mr.Anil Prasad Singh

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

ORAL ORDER

2 23-09-2022 Learned counsel for the petitioners is directed to remove all the defects pointed out by the Stamp Reporter within one month.

Heard learned counsel for the petitioners as well as the learned APP for the State.

The petitioners apprehend their arrest in connection with Balia P.S. Case No. 260 of 2021, registered for the offences punishable under Section 30(a), 37 (b) (c) of the Bihar Prohibition and Amendment Excise Act, 2016.

Learned counsel for the petitioner has submitted that the petitioner No. 2 is wife of petitioner No. 1. As per allegation, ten polythenes containing 250 ml liquor each were recovered from the field situated near the house of the petitioners and the petitioners are the persons 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 petitioners surrender before the court below and make 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 petitioners are the persons 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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