

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11629 of 2022

Arising Out of PS. Case No.-359 Year-2021 Thana- GAURICHAK District- Patna

1. MANDODARI DEVI @ MOST MANDODARI DEVI W/o Late Mantu Manjhi Resident of Village - Hander , Mushari, P.s.-Gaurichak, Distt.- Patna.
2. ARJUN MANJHI SON OF JALLU MANJHI Resident of Village - Hander , Mushari, P.s.-Gaurichak, Distt.- Patna.
3. SANJAY MANJHI SON OF KAPILDEO MANJHI Resident of Village - Hander , Mushari, P.s.-Gaurichak, Distt.- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Jay Ram Prasad
For the Opposite Party/s : Mr.Sucheta Yadav

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

ORAL ORDER

2 16-09-2022 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 Special Case No. 5366 of 2021 arising out of Gaurichak P.S. Case No. 359 of 2021, registered for the offences punishable under Section 30(a) of the Bihar Prohibition and Amendment Excise Act, 2018.

Learned counsel for the petitioners has submitted that nothing was recovered from the possession of the petitioners and they were not arrested at the spot. They are the persons of clean antecedent. The alleged liquor was recovered near panchayat bhawan



in Musahari.

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 antecedents and nothing was recovered from their possession.

With these observations, the criminal miscellaneous petition is disposed of.

Office shall ensure that all defects are removed by the petitioners 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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