

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11632 of 2022

Arising Out of PS. Case No.-370 Year-2021 Thana- GOVERNMENT OFFICIAL COMP.
District- Muzaffarpur

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RAMESH KUMAR SAH Son of Jawahar Lal Sah Resident of Village/
Mohalla- Brahampura Chowk, Ward No.-04,k M.I.T., Muzaffarpur, Police
Station- Brahampura, District- Muzaffarpur.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Vijay Kumar @ Vijay Kr. Singh
For the Opposite Party/s : Mr.Shailendra Kumar, APP

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

ORAL ORDER

2 16-09-2022 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 through video conferencing.

The petitioner apprehends his arrest for the
offences alleged under Sections 30(a) and 32(3) of the Bihar
Prohibition and Excise Act, 2016, registered in connection with
Excise P.S.Case No. 370 of 2021, P.R.No.39 of 2021.

The learned counsel for the petitioner has submitted
that he is merely an owner of T.V.S. Luna bike wherefrom 15
litres of liquor was recovered. Nothing was recovered from his



possession. He 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. hence it is not maintainable.

If the petitioner surrenders and seeks regular bail before the court below, that shall be disposed of on its own merit on the same day, without being prejudiced by this order.

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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