

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12880 of 2022

Arising Out of PS. Case No.-154 Year-2021 Thana- ARIYARI District- Sheikhpura

SHIV KUMAR YADAV @ JEETAN @ JEEKA @ JEEVAN Son of Vimal
Yadav Resident of Village - Pathraitia, P.s.- Ariyari, Distt.- Sheikhpura.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bharat Lal

For the Opposite Party/s : Mr.Bishweshwar Ram

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

ORAL ORDER

2 23-09-2022 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 the
learned APP for the State.

The petitioner apprehends his arrest in connection with
Ariyari P.S. Case No. 154 of 2021, registered for the offences
punishable under Section 272, 273 of the Indian Penal Code and
Section 30(a) of the Bihar Prohibition and Excise Act.

Learned counsel for the petitioner has submitted that
nothing was recovered from the possession of the petitioner and 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., 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. The learned court below may take notice of the fact that nothing was recovered from the conscious possession of the petitioner.

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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