

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12785 of 2022

Arising Out of PS. Case No.-36 Year-2022 Thana- MUFFASIL District- Aurangabad

PINTU KUMAR YADAV @ RAJU KUMAR Son of Ramsuchit Yadav
Resident of Village- Bhoja Bigha, P.S.- Muffasil, District- Aurangabad.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Amit Anand

For the Opposite Party/s : Mr.Rajendra Prasad Nat

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

ORAL ORDER

2 21-09-2022 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 30(a) of the Bihar Prohibition
and Excise (Amendment) Act, 2018, registered in connection
with Muffasil P.S.Case No. 36 of 2022.

As per allegation, the petitioner fled away after
throwing the polythene. That polythene was recovered from the
back portion of the house of petitioner and 1.25 litres of *Mahua*
liquor was recovered therefrom.



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. The learned court below shall take notice of the fact that the petitioner is a person of clean antecedent and quantity of liquor so recovered is meagre.

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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