

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12926 of 2022

Arising Out of PS. Case No.-51 Year-2021 Thana- ANTI District- Gaya

SUMANTI DEVI W/o Awadhesh Das Resident of Village- Pradhana, P.O. Kabar, P.S.- Konch, District- Gaya.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rama Kant Singh
For the Opposite Party/s : Mr.Asha Kumari

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

ORAL ORDER

2 27-09-2022 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 her arrest for the offences alleged under Sections 188, 171(F) and 171(G) of the Indian Penal Code and Section, Section 9 of the Use and Play of Loudspeaker Act (Bihar) and Section 30(a) of the Bihar Prohibition and Excise Act, registered in connection with Aanti P.S.Case No. 51 of 2021.

The learned counsel for petitioner has submitted that the petitioner is a lady, who was contesting the election for Mukhiya. The allegation is that the Bolero vehicle was engaged in canvassing wherefrom one bottle of country-made wine was found. He has submitted further that she is a lady and she has no concern with the alleged liquor.



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 the same day, without being prejudiced by this order. The learned court below may take notice of the fact that the petitioner is a lady having no criminal antecedent.

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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