

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13965 of 2022

Arising Out of PS. Case No.-270 Year-2021 Thana- KATRA District- Muzaffarpur

SUNITA DEVI @ SUNITA KUMARI Wife of Chandan Mahto Resident of
village - Basant, P.S.- Baruraj, District - Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sunil Kumar Pandey
For the Opposite Party/s : Mr.Tapeshwar Sharma

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

ORAL ORDER

2 28-09-2022 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 Act,
registered in connection with Katra P.S. Case No. 270 of 2021.

As per allegation, four litres of country-made liquor was
recovered from the house of the petitioner.

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.

With these observations, the application stands disposed of.

Office shall ensure that all 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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