

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13949 of 2022

Arising Out of PS. Case No.-290 Year-2021 Thana- BOCHAHAN District- Muzaffarpur

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RAMPRIT RAM SON OF LATE JAI KISHUN RAM RESIDENT OF
VILLAGE- KAKRACHAK, P.S.- BOCHAHAN, DISTRICT-
MUZAFFARPUR (BIHAR)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Arun Kumar

For the Opposite Party/s : Mr.Arun Kumar

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**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 Sections 272 and 273 of the Indian Penal

Code and Section 30(a)/37(c) of the Bihar Prohibition and

Excise Act, registered in connection with Bochahan P.S.Case

No. 290 of 2021.

As per allegation, 930 gm of liquor was recovered

from the house of the petitioner.

Learned counsel for the petitioner has submitted that



he is a person of clean antecedent and he is a patient of paralysis.

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 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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