

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28669 of 2021**

Arising Out of PS. Case No.-48 Year-2018 Thana- BHAGALPUR KOTWALI District-
Bhagalpur

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AMAR TANTI Son of Anup Lal Tanti Resident of Mohalla- Bhikhanpur
Gumti No. 1, P.S.- Ishakchak, District - Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ranjan Kumar Jha
For the Opposite Party/s : Ms. Renu Kumari

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

ORAL ORDER

2 28-01-2022 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 through video conferencing.

The petitioner apprehends his arrest for the

offences alleged under Section 30(a) of the Bihar Prohibition

and Excise Act, 2016, registered in connection with Kotwali

(Jogsar) P.S.Case No. 48 of 2018.

The learned counsel for the petitioner has submitted

that the alleged liquor was recovered from the house of Ram

Kumar which was rented to the co-accused Ajay Kumar. He has

further submitted that the petitioner is not named in the FIR,



rather his name has figured in the confessional statement of co-accused Sumit Tanti.

By implication of Section 76(2) of the Bihar Prohibition and Excise Act, 2016, the anticipatory bail petition under Section 438 of the Cr. P.C. is not maintainable. It is accordingly dismissed.

It is, however, observed that if the petitioner surrenders and seeks regular bail before the court below, his bail petition shall be considered and disposed of on the same day considering the fact that the petitioner is not named in the FIR, without being prejudiced by this order.

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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