

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22100 of 2022

Arising Out of PS. Case No.-661 Year-2021 Thana- MOTIHARI MUFASIL District- East
Champaran

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SUKUL SAHANI S/o- LATE HALKHORI SAHANI Resident of Village-
Tikuliya Dab Tola, P.S.- Motihari Muffasil, District- Eat Champaran.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ajay Kumar Singh
For the Opposite Party/s : Mr.Pronoti Singh

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

ORAL ORDER

2 10-10-2022 Learned counsel for the petitioner is directed to remove
all the defects pointed out by the Stamp Reporter within one month.

Heard learned counsel for the petitioner as well as the
learned APP for the State.

The petitioner apprehends his arrest in connection with
Motihari Muffasil P.S. Case No. 661 of 2021, registered for the
offences punishable under Section 30 (a), (b) 32, 41(1) of the Bihar
Prohibition and Excise (Amendment) Act, 2018.

Learned counsel for the petitioner has submitted that the
petitioner is a person of clean antecedent and his name has figured in
the confessional statement of co-accused.

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., as such, this



anticipatory bail application is not maintainable.

If the petitioner surrenders before the court below and makes a prayer for regular bail, that shall be disposed of on the same day of its filing, without being prejudiced by this order. The learned court below may take notice of the fact that the petitioner is a person of clean antecedent and nothing was recovered from his possession.

With these observations, the criminal miscellaneous petition is disposed of.

Office shall ensure that all defects are removed by the petitioner within the stipulated time provided in para-1 hereinabove, failing which the matter shall be brought to the notice of this Court

(Nawneet Kumar Pandey, J)

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