

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21963 of 2022

Arising Out of PS. Case No.-95 Year-2021 Thana- MUZAFFARPUR SADAR District-
Muzaffarpur

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SIDHNATH THAKUR SON OF LATE BISHWA BHARAN THAKUR R/O
VILLAGE- MADHUBANI, P.S.- SADAR AND DISTRICT-
MUZAFFARPUR, BIHAR- 843113

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Sanjay Kumar Griyaghey

For the Opposite Party/s : Mr.Bishweshwar Ram

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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 Section 30(a) of the Bihar Prohibition

and Excise Act, registered in connection with Muzaffarpur

Sadar P.S.Case No. 95 of 2021.

Learned counsel for the petitioner has submitted that a

very little quantity of liquor was recovered from the back side of

the house of the petitioner. He is a person of clean antecedent.



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 has 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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