

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22007 of 2022

Arising Out of PS. Case No.-27 Year-2021 Thana- SITAMARHI District- Sitamarhi

VISHWAJIT BYAHUT Son of Mohan Prasad Resident of Village - Court
Bazar, Ward No. 12, P.S. - Sitamarhi, District - Sitamarhi.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Vikash Kumar Jha
For the Opposite Party/s : Mr.Raj Ballabh Singh

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

ORAL ORDER

2 30-09-2022 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 Sitamarhi P.S. Case No. 27 of 2021.

There are three cases pending against the petitioner, out of
which, one case is of similar nature, as mentioned in paragraph no. 3
of this bail petition.

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 this petition is not



maintainable. Accordingly, it is rejected.

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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