

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.22946 of 2022**

Arising Out of PS. Case No.-82 Year-2022 Thana- SAMASTIPUR MUFFASIL District-  
Samastipur

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SANJIV YADAV @ SANJIT KUMAR S/o Yugeshwar Yadav Resident of  
Village- Dhurlakha, P.S.- Muffasil, District- Samastipur.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr.Kundan Kumar  
For the Opposite Party/s : Mr.Arun Kumar

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

ORAL ORDER

2      10-10-2022                      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 341, 323, 224, 225, 353 and 34  
  
of the Indian Penal Code and Section 30(a) of the Bihar  
  
Prohibition and Excise (Amendment) Act, 2018, registered in  
  
connection with Muffasil P.S.Case No. 82 of 2022.

Learned counsel for the petitioner has submitted that  
  
the petitioner is a person of clean antecedent and he is the  
  
proprietor of Anand Nursing Home. He has falsely been



implicated in this case.

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)**

HR/-

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