

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22951 of 2022

Arising Out of PS. Case No.-92 Year-2022 Thana- FATUA District- Patna

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DHARMENRA RAY Son of late Lal Bahadru Ray Resident of Village -
Fatehjangpur, P.s.- Nadi, Distt.- Patna.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Kumar Manglam

For the Opposite Party/s : Mr.Umeshanand Pandit

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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 30(a) and 36 of the Bihar
Prohibition and Excise (Amendment) Act, registered in
connection with Nadi P.S.Case No. 92 of 2022.

Learned counsel for the petitioner has submitted that
the petitioner is a person of clean antecedent and nothing was
recovered from his bed room. Though the illicit liquor was
recovered from his joint house, but he is not involved in that



occurrence. He resides out of the State for earning his livelihood

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)

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