

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24049 of 2022

Arising Out of PS. Case No.-797 Year-2020 Thana- KUDHNI District- Muzaffarpur

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MUKESH SAHNI S/o Late Mishree Sahni R/o Village - Chhajan, Bishunpur,
P.S.- Kudhani, Dist.- Muzaffarpur.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Dr. Bipin Chandra

For the Opposite Party/s : Mr.Rajendra Singh

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

ORAL ORDER

2 12-10-2022 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 Section 30(a) of the Bihar Prohibition

and Excise Act, 2016, registered in connection with Kudhani

(Turki O.P.) P.S.Case No. 797 of 2020.

Learned counsel for the petitioner has submitted that

nothing was recovered from his possession and 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 shall take notice of the fact that the petitioner is a person of clean 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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