

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24996 of 2022

Arising Out of PS. Case No.-215 Year-2021 Thana- DUMARIAGHAT District- East
Champaran

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MUKESH RAM S/o Yogendra Ram R/o village- Barharwa Khurd, P.S.-
Dumariyaghat, District- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Pramod Kumar Pandey

For the Opposite Party/s : Mr.Anand Mohan Prasad Mehta

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

ORAL ORDER

2 13-10-2022 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), 32 and 41(i) of the Bihar
Prohibition and Excise (Amendment) Act, 2018, registered in
connection with Dumariyaghat P.S.Case No. 215 of 2021.

As per allegation, 468.24 litres hooch of different
brands was recovered from a sugarcane field.

Learned counsel for the petitioner has submitted that
the alleged recovery has not been made from the conscious



possession of the petitioner.

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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