

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24965 of 2022

Arising Out of PS. Case No.-36 Year-2022 Thana- BAJPATTI District- Sitamarhi

MAHESH CHOUDHARY S/o Chulhai Choudhary Resident of Village-
Madaripur, P.S.- Bajpatti, District- Sitamarhi.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Amit Kumar Jha

For the Opposite Party/s : Mr. APP

**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 Section 30(a) of the Bihar Prohibition
and Excise Act, registered in connection with Bajpatti P.S.Case
No. 36 of 2022.

As per allegation, 26 pieces of Nepali Sofi, each 300
ml, total 7.8 and 2.5 litres chulhai mahua from a gallon were
recovered from an orchard.

It is submitted that the alleged recovery has not been



made from the 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)

HR/-

U		T	
---	--	---	--

