

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 43394 of 2021

Arising Out of PS. Case No.-188 Year-2021 Thana- MADHAURAH District- Saran

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Pritam Kumar @ Pritam Manjhi, Male aged about 22 years, Son of Chandrama Manjhi, Resident of Village- Bardahiya, P.S.- Marhowrah, District- Saran at Chapra (BIHAR).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rakesh Kumar, Advocate

For the Opposite Party/s : Mr. Kumar Ranjit Ranjan, APP

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CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR PANDEY

ORAL ORDER

2 08-04-2022 The learned counsel for the petitioner is directed to remove all the defects pointed out by the office within one month.

Heard the learned counsel for the petitioner as well as the learned Additional Public Prosecutor for the State through video conferencing.

The petitioner apprehends his arrest in connection with Marhowrah P.S. Case No. 188 of 2021 registered for offence punishable under Sections 30/30(a) of the Bihar Prohibition and Excise Act, 2016.

As per the allegation, seeing the police party seven named accused persons fled away, thereafter 20 liters of country made liquor was recovered from the place of occurrence.

Learned counsel for the petitioner has submitted that the place from where liquor was recovered was not belonged to



the present petitioner. He has also submitted that the petitioner is a person of clean antecedent.

By virtue of Section 76(2) of the Bihar Prohibition and Excise Act, 2016, the provisions of Section 438 of the Code of Criminal Procedure, 1973 are not applicable in the Bihar Prohibition and Excise Act, 2016, as such, this anticipatory bail application is not maintainable.

If the petitioner surrenders before the Court below and prays for bail, the learned Court below shall consider his regular bail without being prejudiced by this order and considering the fact that the petitioner is a person of clean antecedent and the place from where the liquor was recovered was not in the possession of the present petitioner.

With these observations, this anticipatory bail application is being disposed of, as not maintainable.

Office shall ensure that all defects are removed by the petitioner within the stipulated time mentioned hereinabove, failing which, the matter shall be brought to the notice of this Court.

(Nawneet Kumar Pandey, J)

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