

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48993 of 2021

Arising Out of PS. Case No.-251 Year-2020 Thana- RUPASPUR District- Patna

RAM NIWAS KUMAR S/o SRI RAM SWAROOP SINGH R/o VILLAGE-
REVASARAI, P.S-MANER, DISTRICT-PATNA AT PRESENT C/o DR.
SUMAN KUMAR, HARSA CLINIC, EAST BORING CANAL ROAD,
TRIGUN APARTMENT, P.S-BUDHA COLONY, DISTRICT-PATNA.

... .. Petitioner

Versus

THE STATE OF BIHAR

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Anil Kumar Singh

For the Opposite Party/s : Mr.Akbar Ali

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

ORAL ORDER

2 10-02-2022 Learned counsel for the petitioner is directed to remove
all the defects pointed out by the Stamp Reporter within one month.

Heard learned counsel for the petitioner as well as the
learned APP for the State through video conferencing.

The petitioner apprehends his arrest in connection with
Rupaspur P.S. Case No. 251 of 2020, registered for the offences
punishable under Sections 30(a) of Bihar Prohibition and Excise Act,
2016.

As submitted, the petitioner was the owner of the scooty
where from the alleged liquor of small quantity was recovered. He
has further submitted that the petitioner is not named in the FIR and
even the arrested persons did not disclose the name of the present
petitioner. He has also submitted that the petitioner has already sold



the scooty in favour of co-accused Deepak Kumar son of Suresh Rai and the documents of the sale has been annexed as Annexure-2.

Despite all the submissions, the 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.

Accordingly, the anticipatory bail application is disposed of with the observation that if the petitioner surrenders before the court below and files regular bail petition, his regular bail shall be disposed of on the same day and this fact may be taken notice of by the learned court below that the petitioner was bona fide owner of the scooty, moreover he has already transferred that scooty to the co-accused Deepak Kumar.

Office shall ensure that all defects are removed by the petitioner within the stipulated time provided in para-1 hereinabove, failing which the matter shall be brought to the notice of this Court.

(Nawneet Kumar Pandey , J)

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