

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51580 of 2021**

Arising Out of PS. Case No.-117 Year-2021 Thana- KALUAHI District- Madhubani

SHASHI THAKUR SON OF SHRI AWADHI THAKUR RESIDENT OF
VILLAGE- KASMA MARAR, P.S.- KHAJALI, DISTRICT-
MADHUBANI

... .. Petitioner

Versus

THE STATE OF BIHAR

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Md. Soban Asghar

For the Opposite Party/s : Mr.Dr. Kumar Uday Pratap

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

ORAL ORDER

3 29-08-2022 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.

The petitioner apprehends his arrest in connection with
Kaluahi P.S. Case No. 117 of 2021, registered for the offences
punishable under Section 30(a) of the Bihar Prohibition and
Amendment Excise Act, 2016.

Learned counsel for the petitioner has submitted that illicit
liquor was not recovered from the possession of the petitioner and he
was not arrested at the spot. He is a person of clean antecedent and
his name has figured in the confessional statement of co-accused
Ram Kumar Sahani.

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., as such, this anticipatory bail application is not maintainable.

If the petitioner surrenders before the court below and makes a prayer for regular bail, that shall be disposed of on the same day of its filing, on its own merit without being prejudiced by this order. The learned court below may take notice of the fact that the petitioner is a person of clean antecedent and there is nothing against him except the confessional statement of co-accused.

With these observations, the criminal miscellaneous petition is disposed of.

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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