

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58319 of 2021

Arising Out of PS. Case No.-258 Year-2021 Thana- KONCH District- Gaya

SANJAY RAVIDAS Son of Ram Das Ravidas Resident of Village - Chenw,
P.S.- Kasma, Distt.- Aurangabad, Bihar

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Avinash Kumar Singh
For the Opposite Party/s : Mr.Md. Shakir Ahmad

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

ORAL ORDER

2 12-07-2022 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 learned
APP for the State.

The petitioner apprehends his arrest in connection with
Konch P.S. Case No. 258 of 2021, registered for the offences
punishable under Sections 30(a) of the Bihar Prohibition and Excise
Act.

Learned counsel for the petitioner has submitted that the
petitioner was not arrested at the spot. The FIR shows itself that the
magic vehicle was found where on illicit liquor was loaded. The
persons of vicinity did not become ready to be the seizure list
witnesses as the police personnel were made seizure list witnesses.
He has further submitted that the seizure list is not hand-written



rather it is typed one, which shows that it was prepared at the police station and not at the spot. He has further submitted that petitioner is bona fide owner of the vehicle having no concern with the alleged transaction.

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.

If the petitioner surrenders before the court below and makes a prayer for regular bail that shall be disposed of on the same day without being prejudiced by this order. The learned court below may take notice of the fact that the petitioner is bona fide owner of the vehicle having no criminal antecedents and he is not named in the FIR.

With these observations, this 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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