

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63190 of 2021

Arising Out of PS. Case No.-518 Year-2020 Thana- BIDUPUR District- Vaishali

1. SONU KUMAR RAI S/o Manoj Rai R/o- Kutubpur, P.S.- Bidupur, Distt- Vaishali.
2. Manoj Rai Son of Late Jagdish Rai R/o- Kutubpur, P.S.- Bidupur, Distt- Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Amresh Kumar Sinha

For the Opposite Party/s : Mr.Nand Kumar

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

ORAL ORDER

2 19-07-2022 The learned counsel for the petitioners is directed to remove all the defects pointed out by the Stamp Reporter within one month.

Heard the learned counsel for the petitioners and learned APP for the State.

The petitioner apprehend their arrest for the offences alleged under Sections 30 and 30(a) of the Bihar Prohibition and Excise (Amendment) Act, 2018, registered in connection with Bidupur P.S.Case No. 518.

Learned counsel for the petitioners has submitted that they are not concerned with the alleged motor-cycle or the vehicle wherefrom 847.59 litres of liquor was recovered. They



were not arrested at the spot.

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 the anticipatory bail petition is dismissed as not maintainable.

If the petitioners surrender and seek regular bail before the court below, that shall be disposed of on its own merit, without being prejudiced by this order.

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

(Nawneet Kumar Pandey, J)

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