

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9003 of 2021

Arising Out of PS. Case No.-335 Year-2019 Thana- PAKARIBARAW District- Nawada

MD. USMAN RAEEN SON OF SULEMAN MIYAN @ SULEMAN
RAEEN R/O VILLAGE- PAKRI, P.S.-PAKARIWARAN, DISTRICT-
NAWADA.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Man Mohan Kumar

For the Opposite Party/s : Mr.Atul Chandra

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

ORAL ORDER

5 11-02-2022 The learned counsel for the petitioner is directed to

remove all the defects pointed out by the Stamp Reporter within

one month.

Heard the learned counsel for the petitioner and

learned APP for the State through video conferencing.

The petitioner apprehends his arrest for the

offences alleged under Section 30(a) of the Bihar Prohibition
and Excise Act, 2016, registered in connection with Pakariwaran

P.S.Case No. 335 of 2019.

As per the allegation, 110 litres of country-made

liquor was recovered from the house of the present petitioner.

The learned counsel for the petitioner has submitted

that the house from which the liquor was recovered was not of



the petitioner and this fact has been emerged during the course of investigation.

Be that as it may, by virtue of Section 76(2) of the Bihar Prohibition and Excise Act, 2016, there is explicit embargo on entertaining the application under Section 438 of the Cr.P.C. As such, the anticipatory bail petition is dismissed as not maintainable.

If the petitioner surrenders and seeks regular bail, the court below shall consider the same on its own merit, without being prejudiced by this order.

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

(Nawneet Kumar Pandey, J)

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