

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63172 of 2021

Arising Out of PS. Case No.-56 Year-2021 Thana- AMBA District- Aurangabad

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BINDA SINGH Son of Rameshwar Singh Resident of Village - Dehri, P.S.-
Obra, District - Aurangabad (Bihar)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Shailesh Kumar Singh

For the Opposite Party/s : Mr.Parmanand Kumar

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

ORAL ORDER

2 19-07-2022 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.

The petitioner apprehends his arrest for the

offences alleged under Section 30(a) of the Bihar Prohibition
and Excise (Amendment) Act, 2018, registered in connection

with Amba P.S.Case No. 56 of 2021.

Learned counsel for the petitioners has submitted that

the son of the petitioner was apprehended by the police and

from his possession 5.81 litres of liquor was recovered. He has

submitted further that there is no allegation in the FIR against



the petitioner. Even he has not been named. Paragraph no.3 of the bail petition discloses his clean antecedents.

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 not maintainable.

If the petitioner surrenders and seeks regular bail before the court below, that shall be disposed of on its own merit on the same day, without being prejudiced by this order.

The learned trial court may consider the fact that the petitioner is merely father of co-accused from whose possession 5.81 litres of liquor was recovered and the petitioner is a person of clean antecedents.

With these observation, the application is disposed of.

Office shall ensure that all the defects are removed by the petitioner 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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