

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64441 of 2021**

Arising Out of PS. Case No.-138 Year-2021 Thana- FULKAHA District- Araria

PRINCE KUMAR YADAV SON OF RAJKUMAR YADAV R/O VILLAGE-
MIRZAPUR, WARD NO.-02, P.S.- FULKAHA, DISTRICT- ARARIA,
BIHAR

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

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

ORAL ORDER

2 20-07-2022 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 apprehend his arrest for the offences
alleged under Sections 30(a) and 41(1) of the Bihar Prohibition
and Excise Act, 2016, registered in connection with Fulkaha
P.S.Case No. 138 of 2021.

Learned counsel for the petitioner has submitted that
two motor-cycles were intercepted by the police and 76.500
litres of liquor was recovered therefrom. He has submitted
further that the petitioner was not arrested at the spot, rather his



name figured in the confessional statement of co-accused. He has also submitted that the petitioner is innocent and has clean antecedent.

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 application for anticipatory bail is dismissed as not maintainable.

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

The court below may take notice of this fact that the petitioner is a person of clean antecedent. He was not arrested at the spot and nothing was recovered from his possession.

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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