

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61691 of 2022

Arising Out of PS. Case No.-404 Year-2021 Thana- JAGDISHPUR District- Bhojpur

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KANHAIYA RAM Son of Late Ramanand Ram Resident of Village- Neur,
Pokhar, P.S.- Jagdishpur, District- Bhojpur (Ara)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Ms.Malti Kumari, Adv.

For the Opposite Party/s : Mr.J.N. Thakur, APP

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CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR
PANDEY

ORAL ORDER

2 23-11-2022 Heard learned counsel for the petitioner as well as the
learned APP for the State.

The petitioner apprehends his arrest in connection with Jagdishpur P.S. Case No. 404 of 2021, registered for the offences punishable under Section 30(a)/30(d) of the Bihar Prohibition and Amendment Excise Act, 2016.

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., as such, this anticipatory bail application is not maintainable.

If the petitioner surrenders before the court below and makes a prayer for regular bail, that shall be disposed of on the same day of its filing, on its own merit without being prejudiced by this order. The learned court below may take notice of the fact that the



country made liquor was not recovered from the possession of the present petitioner rather it was recovered from an open place and the petitioner is a person of clean antecedent.

With these observations, the criminal miscellaneous petition is disposed of.

(Nawneet Kumar Pandey, J)

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