

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69984 of 2021

Arising Out of PS. Case No.-199 Year-2021 Thana- SAKRA District- Muzaffarpur

VIJAY CHAUDHARY Son of Late Fakira Chaudhary Resident of Village-
Dholi Bazar, P.S.- Sakra, District- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Hari Kishore Thakur

For the Opposite Party/s : Mr.Tapeshwar Sharma

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

ORAL ORDER

2 27-07-2022 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
Act, 2016, registered in connection with Sakra P.S.Case No. 199
of 2021.

Learned counsel for the petitioner has submitted that
there is no allegation at all against the petitioner. His son Raju
Chaudhary was arrested with six litres of country-made liquor.
The petitioner is a person of clean antecedent.



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.

If the petitioner surrenders and seeks regular bail before the court below, that shall be disposed of on the same day of its filing. The learned court below may take notice of the fact that the petitioner is a person of clean antecedent and nothing was recovered from his possession, rather six litres of country-made liquor was recovered from the possession of his son.

With these observation, the application is disposed of as not maintainable.

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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