

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71540 of 2021

Arising Out of PS. Case No.-256 Year-2021 Thana- MURLIGANJ District- Madhepura

1. SUMIT KUMAR Son of Shashi Nandan Yadav Resident of Village- Madhuban, Ward No. 04, P.S.- Udakishunganj, District- Madhepura.
2. Raushan Kumar Son of Late Amren @ Amrendra Yadav @ Bijendar Mehta Resident of Village- Madhuban, Ward No. 04, P.S.- Udakishunganj, District- Madhepura.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Uday Chand Prasad

For the Opposite Party/s : Mr.Suresh Prasad Singh

CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR PANDEY

ORAL ORDER

2 29-07-2022 Learned counsel for the petitioners is directed to remove all the defects pointed out by the Stamp Reporter within one month.

Heard learned counsel for the petitioners as well as the learned APP for the State.

The petitioners apprehend their arrest in connection with Murliganj P.S. Case No. 256 of 2021, registered for the offences punishable under Section 30(a) of the Bihar Prohibition and Amendment Excise Act, 2016.

Learned counsel for the petitioners has submitted that nothing was recovered from the possession of the petitioners. They are the persons of clean antecedent and their names have figured in the confessional statement of apprehended persons from whose possession 15 litres of illicit country made liquor was recovered.



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

If the petitioners surrender before the court below and make a prayer for regular bail, that shall be disposed of on the same day of its filing. The learned court below may take notice of the fact that the petitioners are the persons of clean antecedent and nothing was recovered from their possession.

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

Office shall ensure that all defects are removed by the petitioners within the stipulated time provided in para-1 hereinabove, failing which the matter shall be brought to the notice of this Court.

(Nawneet Kumar Pandey, J)

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