

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71544 of 2021

Arising Out of PS. Case No.-218 Year-2021 Thana- SARAIYA District- Muzaffarpur

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VINOD KUMAR SINGH @ VINOD SINGH Son of Late Ramshreshth
Singh Resident of Village - Phooladh, P.s.- Vaishali, Distt.- Vaishali.

... .. Petitioner

Versus

THE STATE OF BIHAR

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr.Mithilesh Kumar

For the Opposite Party/s : Mr.Veena Kumari Jaiswal

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

ORAL ORDER

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

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

The petitioner apprehends his arrest in connection with
Saraiya P.S. Case No. 218 of 2021, registered for the offences
punishable under Sections 272, 273/34 of the Indian Penal Code read
with offence under Section 30(a) of the Bihar Prohibition and
Amendment Excise Act, 2018.

Learned counsel for the petitioner has submitted that the
petitioner is a person of clean antecedent. He is not the owner or the
driver of vehicle where from 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 petitioner surrenders before the court below and makes a prayer for regular bail that shall be disposed of on its own merit without being prejudiced by this order. The learned court below may take notice of the fact that the petitioner is a person of clean antecedent.

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

Office shall ensure that all defects are removed by the petitioner 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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