

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71532 of 2021

Arising Out of PS. Case No.-284 Year-2019 Thana- NADI P.S. District- Patna

CHANDRABINDU KUMAR @ CHINTU RAI Son of Sri Ram Naresh Rai
R/v- Jethuli, P.S.- Nadi, Distt.- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Vijay Kumar Sinha
For the Opposite Party/s : Mr.Tapeshwar Sharma

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

ORAL ORDER

2 01-08-2022 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 Sections 30(a) of the Bihar Prohibition
and Excise (Amendment) Act, 2018, registered in connection
with Nadi P.S. Case No. 284 of 2019.

The learned counsel for the petitioner has submitted
that there is no allegation against the petitioner. The allegation is
on co-accused Akhilesh Kumar for the storage of illicit liquor
who has been granted anticipatory bail by a coordinate Bench of



this Court, vide Cr.Misc. No. 14282 of 2020.

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. hence it is 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 prejudiced by this order. The learned court below may take notice of the fact that co-accused Akhilesh Kumar has been granted anticipatory bail by a coordinate Bench of this Court.

With these observations, the application stands disposed of.

Office shall ensure that all the defects are removed by the petitioners 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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