

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1307 of 2022

Arising Out of PS. Case No.-133 Year-2021 Thana- RAJAOLI District- Nawada

1. RANJEET KUMAR Son of Uday Yadav Resident of Village - Nagarbatri, Police Station - Rajauli, District - Nawada.
2. UDAY YADAV Son of Kailu Yadav Resident of Village - Nagarbatri, Police Station - Rajauli, District - Nawada.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Birendra Kumar

For the Opposite Party/s : Mr.Md. Iftekhar Mahmood

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

ORAL ORDER

2 04-08-2022 The learned counsel for the petitioners is directed to remove all the defects pointed out by the Stamp Reporter within one month.

Heard the learned counsel for the petitioners and learned APP for the State.

The petitioners apprehend their arrest for the offences alleged under Section 30(a) of the Bihar Prohibition and Excise Act, 2016, registered in connection with Rajauli P.S.Case No. 133 of 2021.

Learned counsel for the petitioners has submitted that petitioners are the persons of clean antecedent. They were not arrested at the spot. Even the arrested accused person did not



name the petitioners, rather the police got the names of the petitioners on the basis of secret information.

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 petitioners surrender and seek 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 the petitioners are persons of clean antecedent.

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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