

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.104 of 2022

Arising Out of PS. Case No.-362 Year-2021 Thana- KUCHAIKOTE District- Gopalganj

PRABHU YADAV SON OF BANARAS YADAV RESIDENT OF HOUSE
NO 2179, GALI NO 60, B BLOCK SANT NAGAR, BURARI, NORTH
DELHI, DELHI- 110084

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Karandeep Kumar

For the Opposite Party/s : Mr.Renuka Ratnakar

**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 Section 30(a) of the Bihar Prohibition
and Excise Act, registered in connection with Kuchaikote
P.S.Case No. 362 of 2021.

As per the submission of the learned counsel for the
petitioner, he is the owner of the bus bearing registration no.
UP17AT 6231. The petitioner is residing in Delhi and he handed
over the bus to the driver and khalasi (cleaner) to ply on Delhi-
Muzaffarpur route. Illicit liquor was recovered from the dickey
of that bus. As per submission, the petitioner is innocent buss
owner. After handing over the bus to the driver and cleaner he



was not aware of the consignment loaded in the dickey of the bus. He 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. 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 the petitioner is merely an owner of the bus having clean antecedent.

With these observations, the application stands disposed of.

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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