

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1290 of 2022

Arising Out of PS. Case No.-165 Year-2021 Thana- THAWE District- Gopalganj

SARKESH MANJHI Son of Late Sunder Manjhi Village - Bhagwanpur, P.S.-
Gopalganj, Distt.- Gopalganj.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sushil Kumar

For the Opposite Party/s : Mr.Sharda Kumari

CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR
PANDEY

ORAL ORDER

2 03-08-2022 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 (Amendment) Act, 2018, registered in connection

with Thawe P.S.Case No. 165 of 2021.

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 nothing was recovered from the conscious possession of the petitioner and he is a person of 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)

HR/-

U		T	
---	--	---	--

