

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33777 of 2022

Arising Out of PS. Case No.-7 Year-2022 Thana- BELA INDUSTRIAL District- Muzaffarpur

AMIT KUMAR SON OF SRI MAHESH PRASAD SINGH Resident of
Village - Narsinghpur, P.s.- Musahri, Distt.- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Vaishnavi Singh

For the Opposite Party/s : Mr.Chandra Bhushan Prasad

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

ORAL ORDER

5 10-01-2023 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 senior counsel for the petitioner as

well as the learned APP for the State.

The petitioner apprehends his arrest in connection with

Bela P.S. Case No. 7 of 2022, registered for the offences

punishable under Sections 272, 273/34 of the Indian Penal Code

and Section 30(a) of the Bihar Prohibition and

Excise(Amendment) Act, 2018.

The learned senior counsel for the petitioner has

submitted that the premises wherefrom the illicit liquor was

recovered, was not in possession of the petitioner. As a matter of

fact the petitioner executed a leased deed in favour of co-accused

Amit Kumar, son of Rameshwar Choudhary. He has submitted



further that these facts emerged in paragraph nos. 6, 7, 8 and 11 of supplementary case diary. The petitioner 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., 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 the day of its filing, 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 and during investigation, it has come that he has already leased out the premises wherefrom illicit liquor was recovered.

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

Office shall ensure that all 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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