

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41524 of 2023

Arising Out of PS. Case No.-489 Year-2022 Thana- RAHUI District- Nalanda

PI LAL RAM @ P.LAL RAM SON OF PRAYAG RAM NEW BARGANDA
PS GIRIDIH DISTRICT GIRIDIH JHARKHAND, PIN CODE- 815301

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Vinay Kumar

For the Opposite Party/s : Mr.Dr. Kumar Uday Pratap

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

ORAL ORDER

2 03-08-2023 The petitioner apprehends his arrest for the offences alleged under Sections 420, 467, 468, 471 and 120(B) of the Indian Penal Code and Sections 30(a), 32(ii),(iii)/36/41(i) & (ii) of the Bihar Prohibition and Excise (Amendment) Act, registered in connection with Rahui P.S.Case No. 489 of 2022.

2. As per allegation, the police intercepted a Mahindra pick-up van bearing Registration No. JHI0BK-3468 and recovered 661.680 litres of liquor from that vehicle.

3. The learned counsel for the petitioner has submitted that the petitioner is a person of clean antecedent and has falsely been implicated in this case on the basis of suspicion. The alleged illicit liquor was not recovered from the conscious possession of the petitioner.



4. 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.

5. If the petitioner surrenders and seeks regular bail before the court below, that shall be disposed of on the day of its filing, keeping in view the fact the petitioner is a person of clean antecedent and nothing was recovered from his possession.

6. With these observations, the application stands disposed of.

(Nawneet Kumar Pandey, J)

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