

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41419 of 2023

Arising Out of PS. Case No.-212 Year-2021 Thana- BAHADURGANJ District- Kishanganj

RANJAN KUMAR S/O DINESH CHOUDHARY R/O VILLAGE-
BANSBITTI POKHAR, PS. SUPAUL, DIST. SUPAUL

... .. Petitioner/s

Versus

THE STATE OF BIHAR BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Nafisuzzoha

For the Opposite Party/s : Mr.Akbar Ali

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

ORAL ORDER

2 03-08-2023 Heard learned counsel for the petitioner as well as learned
APP for the State.

2. The petitioner apprehends his arrest in connection with Bahadurganj P.S. Case No. 212 of 2021, registered for the offences punishable under Sections 272, 273 of the Indian Penal Code and 30(a), 36, 41 of the Bihar Prohibition & Excise Act 2016.

3. As per allegation, 270 liters of illicit liquors was recovered from an ambulance (bearing registration no. BR01PG-2099) in which the petitioner was travelling.

4. 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. Nothing was recovered from his possession. He was not arrested at the spot. Only thing which emerged against him is that his name has figured in confessional



statement of the arrested co-accused persons.

5. 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.

6. 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.

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

(Nawneet Kumar Pandey, J)

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