

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58812 of 2022

Arising Out of PS. Case No.-84 Year-2022 Thana- KADIRGANJ District- Patna

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GOPAL MANJHI Son of Brihaspat Manjhi @ Nakku Manjhi Resident of
village - Pakaura Mushahari, P.S.- Kadirganj, District - Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Shekhar Kumar Singh

For the Opposite Party/s : Mr.Pradeep Narain Kumar

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

ORAL ORDER

2 04-01-2023 Learned counsel for the petitioner is directed to

remove all the defects pointed out by the Stamp Reporter within

one month.

Heard learned counsel for the petitioner as well as the

learned APP for the State.

The petitioner apprehends his arrest in connection

with Kadirganj P.S. Case No. 84 of 2022, registered for the

offences punishable under Section 30(a) of the Bihar Prohibition

and Amendment Excise Act, 2016.

Learned counsel for the petitioner has submitted that

the petitioner is a person of clean antecedent and there is false

allegation that four litres of *mahua* wine was recovered from his

house.



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 same day of its filing, 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.

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 in para-1 hereinabove, failing which the matter shall be brought to the notice of this Court.

(Nawneet Kumar Pandey, J)

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