

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56871 of 2022

Arising Out of PS. Case No.-714 Year-2022 Thana- GOVERNMENT OFFICIAL COMP.
District- Muzaffarpur

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1. RAJ KISHOR KUMAR @ RAJU SAHNI S/o Shri Rajendra @ Rajendra Sahni @ Bahira Sahni R/o Vill- Chhoti Kothiya, P.S.- Mushahari, Distt- Muzaffarpur.
 2. BAHADUR SAHNI @ LALBABU SAHNI S/o Gena Sahni R/o village- Chhoti Kothiya, P.S.- Mushahar, Distt- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Santosh Kumar
For the Opposite Party/s : Mr.Yogendra Kumar

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

ORAL ORDER

5 08-02-2023 Heard learned counsel for the petitioners as well as
the learned APP for the State.

The petitioners apprehend their arrest in connection with Muzaffarpur P.S. Case No. 714 of 2022, registered for the offences punishable under Sections 30 (A), 30 (c) of the Bihar Prohibition and Excise Act.

Learned counsel for the petitioners has submitted that the petitioners are the persons of clean antecedent and the place wherefrom the alleged liquor was recovered was not belonging to the petitioners. The alleged liquor was recovered from the bank of river.



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 petitioners surrender before the court below and make 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 petitioners are the persons of clean antecedent and nothing was recovered from their possession.

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

(Nawneet Kumar Pandey, J)

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