

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72181 of 2023

Arising Out of PS. Case No.-114 Year-2023 Thana- DHARHARA District- Munger

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MANORATH KUMAR SON OF ANIK YADAV RESIDENT OF VILLAGE-
MAHULIYA, PS- CHANAN, DISTT- LAKHISARAI

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Amrendra Kumar

For the Opposite Party/s : Mr.Anil Kumar Singh No. 1

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

ORAL ORDER

2 07-11-2023 Heard the learned counsel for the petitioner and

learned APP for the State.

2. The petitioner apprehends his arrest for the offences alleged under Section 30(a)/32 of the Bihar Prohibition and Excise (Amendment) Act, 2022 registered in connection with Dharhara P.S.Case No.114 of 2023.

3. The learned counsel for the petitioner has submitted that the petitioner is a person of clean antecedent. Nothing was recovered from his possession.

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 its own merit on the same day, 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 nothing was recovered from his possession.

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

(Nawneet Kumar Pandey, J)

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