

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71954 of 2023

Arising Out of PS. Case No.-137 Year-2022 Thana- LAUKARIA District- West Champaran

PRABHU MUNDA @ PRABHU MAHTO Son of Vishun Munda Resident of
village - Barwa Khurd, Police Station - Laukaria, District - West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Anand Kishore Choudhary

For the Opposite Party/s : Mr.Arvind Kumar Pandey

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

ORAL ORDER

2 08-11-2023 Heard the learned counsel for the petitioner as well
as the learned Additional Public Prosecutor for the State.

The petitioner apprehends his arrest in connection with
Lukaria P.S. Case No. 137 of 2022 registered for the offence
punishable under Section-30(a) of the Bihar Prohibition and
Excise Act, 2016.

Allegedly, the petitioner was found involved in
manufacturing of liquor and a total of 18 litre country-made
liquor and 250 litre solution's is said to have been recovered
near the his house.

Learned counsel for the petitioner has submitted that
he is a person of clean antecedent. It has further been submitted
nothing has been recovered from conscious possession of the



petitioner.

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.

If the petitioner surrenders in the court below and seeks regular bail, the same shall be considered and disposed of on its own merit on the same day, without being prejudiced by this order. The learned court below shall take notice of the fact that the petitioner is a person of clean antecedent.

With the aforesaid observations, the application stands disposed of.

(Nawneet Kumar Pandey, J)

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