

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71835 of 2023

Arising Out of PS. Case No.-147 Year-2021 Thana- Excise P.S. District- Samastipur

SUNIL RAY @ SUNIL KUMAR RAY @ PANNU SON OF RAM SAGAR
RAY R/O VILLAGE- MAHAMADPUR BIRAULI, P.S.- PUSA, DISTRICT-
SAMASTIPUR

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Aprajita, Advocate

For the Opposite Party/s : Mr.Md. Nazir Ansari, APP

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

ORAL ORDER

2 07-11-2023 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
Excise Case No. 147 of 2021 registered for the offence
punishable under Section-30(a) of the Bihar Prohibition and
Excise Act, 2018.

Allegedly, 36 litres liquor is said to have been
recovered from behind the house of the petitioner.

Learned counsel for the petitioner has submitted that
he is a person of clean antecedent. It has further been submitted
that the place wherefrom the liquor was recovered is easily
accessible to any person. 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 into account 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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