

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73487 of 2023

Arising Out of PS. Case No.-321 Year-2023 Thana- UJIYARPUR District- Samastipur

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RAMBALI RAY SON OF LATE JHARI RAY RESIDENT OF VILLAGE-
BHAGWANPUR DESUA, P.S.-UJIARPUR, DISTRICT-SAMASTIPUR

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Jitendra Narain Sinha

For the Opposite Party/s : Mr.Kanhaya Kishore

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

ORAL ORDER

2 09-11-2023 Heard the learned counsel for the petitioner and

learned APP for the State.

2. The petitioner apprehends his arrest for the offences alleged under Sections 30(a), 41(i) and 41(ii) of the Bihar Prohibition and Excise Act, registered in connection with Ujiarpur P.S.Case No. 321 of 2023.

3. As per allegation, the petitioner and his son were involved in illegal trade of illicit liquor and total 604 litres of liquor was recovered from near their house.

4. The learned counsel for the petitioner has submitted that the petitioner has falsely been implicated and nothing was recovered from his conscious possession.

5. 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 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.

With these observations, the application stands disposed of.

(Nawneet Kumar Pandey, J)

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