

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40258 of 2020

Arising Out of PS. Case No.-78 Year-2020 Thana- GOVERNMENT OFFICIAL COMP.
District- Banka

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PRAVEEN KUMAR SINGH S/o Indradev Singh, R/o Village-
Ramchandrapur, P.S.- Jamalpur, District- Munger

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Binay Kumar
For the Opposite Party/s : Mr.A.G

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

ORAL ORDER

2 09-12-2021 Heard learned counsel for the petitioner as well as

Additional Public Prosecutor for the State.

Learned counsel for the petitioner is directed to remove

all the defects pointed out by the office within one month.

The petitioner apprehends his arrest in connection with

Excise Comp. Case No. 78 of 2020 registered for the offence

punishable under section 30 (a) of the Bihar Excise and

Prohibition Amendment, Act.

FIR shows that 151 litres of illicit foreign made liquor

was recovered from the vehicle of the present petitioner, who

became successful in fleeing away from the place of occurrence.

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.

Since the provision of Section 438 of the Cr.P.C. is not applicable in respect of offences under the Bihar Prohibition and Excise Act, 2016, as such, this anticipatory bail application is dismissed as not maintainable.

Office shall ensure that all defects are removed by the petitioner within the stipulated time mentioned hereinabove, failing which, the matter shall be brought to the notice of this Court.

(Nawneet Kumar Pandey , J)

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