

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10367 of 2021

Arising Out of PS. Case No.-31 Year-2020 Thana- MADHWAPUR District- Madhubani

RAJA MAHTO Son of Satya Narayan Mahto Resident of Village - Bihari,
P.S.-Madhwapur, Distt.- Madhubani.

... .. Petitioner

Versus

THE STATE OF BIHAR

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Ravi Prakash

For the Opposite Party/s : Mr.A.G.

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

ORAL ORDER

2 23-12-2021 Learned counsel for the petitioner is directed to remove all the defects pointed out by the Stamp Reporter within one month.

Heard learned counsel for the petitioner as well as the learned APP for the State.

The petitioner apprehends his arrest in connection with Madhwapur P.S. Case No. 31 of 2020, registered for the offences punishable under Sections 272, 273/34 of the Indian Penal Code and 30(a) of the Bihar Prohibition and Amendment Excise Act, 2016.

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.

If the petitioner surrenders and seeks regular bail before the court below, the court below shall consider the same on its own merit.

Office shall ensure that all defects are removed by the petitioner within the stipulated time provided in para-1 hereinabove, failing which the matter shall be brought to the notice of this Court.

(Nawneet Kumar Pandey , J)

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