

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6985 of 2021

Arising Out of PS. Case No.-121 Year-2020 Thana- DAUDNAGAR District- Aurangabad

1. ARVIND KUMAR SON OF PUNESHWAR YADAV RESIDENT OF VILLAGE - CHAORI P.S- DAUD NAGAR , DISTT- AURANGABAD
2. RANJEET KUMAR @ RANJEET YADAV SON OF PUNESHWAR YADAV RESIDENT OF VILLAGE - CHOARI, P.S- DAUD NAGAR, DISTT- AURANGABAD
3. SUBHASH KUMAR YADAV @ SUBHASH YADAV SON OF LATE BUTAN YADAV RESIDENT OF VILLAGE- CHOARI, P.S- DAUD NAGAR, DISTT- AURANGABAD

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Arvind Prasad Singh

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

CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR PANDEY

ORAL ORDER

2 15-12-2021 Learned counsel for the petitioners is directed to remove all the defects pointed out by the Stamp Reporter within one month.

Heard the learned counsel for the petitioners and learned APP for the State.

The petitioners apprehend their arrest for the offences alleged under Sections 30(a), (c) and (d) of the Bihar Prohibition and Excise (Amendment) Act, 2018, registered in connection with Daud Nagar P.S.Case No.121 of 2020.

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 petitioners surrender and seek 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 petitioners 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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