

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6949 of 2021

Arising Out of PS. Case No.-805 Year-2017 Thana- NAGAR District- Vaishali

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ABHISHEK CHAUDHARY Son of Shri Birendra Choudhary Resident of
Mohalla - Bharatr Raut Katra, Rajendra More, P.O. - Hajipur, P.S. - Hajipur
Town, District - Vaishali (Bihar).

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. P.K.Shahi, Sr. Advocate
Mr.Ganga Prasad Bimal
For the Opposite Party/s : Mr.A.G.

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

ORAL ORDER

2 21-12-2021 Learned counsel for the petitioner is directed to

remove all the defects pointed out by the Stamp Reporter within

one month.

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

The petitioner apprehends his arrest for the
offences alleged under Sections 188/120/34 of the Indian Penal
Code and Sections 30/38 of the Bihar Prohibition and Excise
Act, 2016, registered in connection with Hajipur Town P.S.Case
No. 805 of 2017.

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 the 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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